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SERIES II No. 49

# OFFICIAL GAZETTE



# GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There are two Extraordinary issues to the Official Gazette, Series II No. 48 dated 28-02-2019 as follows:—

- (1) Extraordinary dated 01-03-2019 from pages 913 to 914 regarding Order from Department of Elections.
- (2) Extraordinary (No. 2) dated 05-03-2019 from pages 915 to 940 regarding Notifications and Form 1 from Department of Panchayati Raj & Community Development.

## GOVERNMENT OF GOA

Department of Agriculture

Directorate of Agriculture

### Order

No. 2/9/95-AGR/2018-19/Part(I)/348

On recommendation of the Departmental Promotion Committee conveyed by Goa Public Service Commission vide their letter No. COM/II/11/2(1)/2017/364 dated 25-01-2019, Government is pleased to promote the following Agriculture Officers to the post of Assistant Director of Agriculture, Group 'A' Gazetted, in the Directorate of Agriculture on regular basis in the Pay Band of PB-III Rs. 15,600-39,100+Rs. 5,400/- Grade Pay corresponding in the pay matrix at Level 10 as per 7th Pay Commission with immediate effect.

- 1) Shri Rajesh B. Dessai.
- 2) Smt. Shobhan Ugavekar.
- 3) Shri Dilip Paranjape.
- 4) Smt. Rena Menezes.
- 5) Shri Chandrahas Naik Dessai.
- 6) Shri Anant P. Hoble.
- 7) Shri Nitin K. Bhakale.

On promotion they are posted as shown below:

Sr. No.	Name of the officer	Designation & place of present posting	Place of posting on regular promotion to the post of Assistant Director of Agriculture
1	2	3	4
1.	Shri Rajesh B. Dessai	Officiating Assistant Director of Agriculture (Hort.), Directorate of Agriculture	On regular promotion as Dy. Director (SAMETI-I)-Goa on deputation in the pay scale of Rs. 15,600-39,100+ Rs. 6,600/- Grade Pay (Level-11 of the pay matrix) with additional charge of Subject Matter Specialist (Plant Protection), Krishi Vigyan Kendra, South.

1	2	3	4
2.	Smt. Shobhan S. Ugavekar	Officiating Assistant Director of Agriculture (Extension), Directorate of Agriculture	On regular promotion as Dy. Director (SAMETI-II)-Goa on deputation in the pay scale of Rs. 15,600-39,100+Rs. 6,600/- Grade Pay (Level-11 of the pay matrix) by relieving Shri Shiwanand Wagle of additional charge. She will hold additional charge of Asst. Director of Agriculture-II, District Agriculture Office, North.
4.	Shri Dilip Paranjape	On deputation against the post of Dy. Project Director, ATMA-North	On promotion on regular basis by curtailing the deputation period against the post of Dy. Project Director (ATMA-North) and posting on deputation against the post of Project Director (ATMA-North) in the pay scale of Rs. 15,600-39,100+ Rs. 6,600/- Grade Pay (Level-11 of the pay matrix) with additional charge of newly created post of Assistant Director of Agriculture-I, District Agriculture Office, North and of Dy. Project Director, ATMA-North.
5.	Smt. Rena Menezes	On deputation of Goa State Horticulture Corporation Ltd., as Manager (Farm)	On promotion on regular basis by curtailing the deputation period against the post of Manager (Farm) proposed posting against the post of Assistant Director of Agriculture (Ext.).
6.	Shri Chandrahas Dessai	Zonal Agriculture Officer, Canacona	On promotion on regular basis as Subject Matter Specialist (Agronomy), Krishi Vigyan Kendra, South with additional charge of Zonal Agriculture Officer, Canacona.
7.	Shri Anant Hoble	On deputation against the post of Dy. Project Director (ATMA-North)	On promotion on regular basis by curtailing the deputation period against the post of Dy. Project Director (ATMA-North) and posting against the post of Asst. Director of Agriculture (Hort.), Directorate of Agriculture vacated by Shri Rajesh Dessai on transfer/promotion on regular basis with additional charge of Dy. Project Director, ATMA-North.
8.	Shri Nitin Bakhale	Agriculture Officer (RKVY), Directorate of Agriculture	On promotion on regular basis against the newly created post of Assistant Director of Agriculture (PP & RKVY), Directorate of Agriculture with additional charge of Agriculture Officer (RKVY).

The above promoted officers shall be on probation for a period of two years from the date of their joining in the regular post of Asst. Director of Agriculture.

They shall exercise their option within one month from the date of promotion to fix their pay in terms of F. R. 22(I) (a) (1).

By order and in the name of the Governor of Goa.

*Madhav B. Kelkar*, Director & ex officio Joint Secretary (Agriculture).

Tonca-Caranzalem, 19th February, 2019.

**Order**

No. 2/9/95-AGR/2018-19/Part(II)/349

On recommendation of the Departmental Promotion Committee conveyed by Goa Public Service Commission vide their letter No. COM/II/11/2(1)/2017/364 dated 25-01-2019, Government is pleased to promote and appoint the following Agriculture Officers, Group 'B' Gazetted, to the post of Assistant Director of Agriculture, Group 'A' Gazetted on officiating basis in the Pay Band of Rs. 15,600-39,100 + Rs. 5,400/- Grade Pay which is at Level-10 of the 7th Pay Commission Matrix with immediate effect until further orders or till the post is filled on regular basis whichever is earlier.

- 1) Shri Kishore N. Bhawe.
- 2) Shri Pradeep M. Malik.

On promotion on officiating basis, they shall be posted as below:

Sr. No.	Name of the officer and place of posting	Place of posting on officiating basis	Budget Head
1.	Shri Kishore N. Bhawe, Zonal Agriculture Officer, Bicholim/Sankli	As Assistant Director of Agriculture (FT), Ela, Old Goa by relieving Shri Rajesh Dessai of additional charge, with additional charge of Zonal Agriculture Officer, Bicholim and Sankli	2401 — Crop Husbandry; 00 — 109 — Extension & Farmers Training; 05 — Extension Training Centre; 01 — Salaries.
2.	Shri Pradeep Malik, Zonal Agriculture Officer, Tiswadi	As Assistant Director of Agriculture (Crops), with additional charge of Zonal Agriculture Officer, Tiswadi	2401 — Crop Husbandry; 00 — 001 — Direction & Administration; 01 — Directions; 01 — Salaries.

By order and in the name of the Governor of Goa.

*Madhav B. Kelkar*, Director & ex officio Joint Secretary (Agriculture).

Tonca-Caranzalem, 19th February, 2019.

**Order**

No. 2/9/95-AGR/2018-19/Part(I)/350

Government is pleased to transfer the following Officers of this Directorate to "State Agricultural Management and Extension Training Institute (SAMETI)" and "Agricultural Technology Management Agency (ATMA)" with immediate effect. The deputation of Officers shall be initially for a period of two years from the date of taking charge of respective post and shall be governed by standard terms and conditions of deputation as contained in the O.M. No. 13/4/74-PER dated 12-02-1999 and amended from time to time.

Sr. No.	Name of the officer	Present designation & place of posting	Place of posting on deputation	Pay scale on deputation posting
1	2	3	4	5
1.	Shri Shriram Dhaimodkar	Subject Matter Specialist (Agron), KVK, South	As Project Director (ATMA-South Goa)	Rs. 15,600-39,100 + 6,600 Grade Pay (Level-11 of the pay matrix).
2.	Shri Rajesh B. Dessai	Assistant Director of Agriculture (Hort.), Directorate of Agriculture	Dy. Director (SAMETI-Goa)-I	Rs. 15,600-39,100 + 6,600 Grade Pay (Level-11 of the pay matrix).
3.	Smt. Shobhan S. Ugavekar	Assistant Director of Agriculture (Extension), Directorate of Agriculture	Dy. Director (SAMETI-Goa)-II	Rs. 15,600-39,100 + 6,600 Grade Pay (Level-11 of the pay matrix).

1	2	3	4	5
4.	Shri Dilip Paranjape	Agriculture Officer, on deputation against the post of Dy. Project Director, ATMA-North (which has been curtailed)	On regular promotion as Assistant Director of Agriculture against the post of Project Director (ATMA-North)	Rs. 15,600-39,100 + 6,600 Grade Pay (Level-11 of the pay matrix).

The deputation period of Shri Dilip Paranjape, at Sr. No. 4 against the post of Dy. Project Director, ATMA-North shall stand curtailed from the date he assumes the charge of his new posting as Project Director-ATMA (North Goa).

This is issued with the concurrence of the Government vide U. O. No. 1252/F dated 13-02-2019.

By order and in the name of the Governor of Goa.

*Madhav B. Kelkar*, Director & ex officio Joint Secretary (Agriculture).

Tonca-Caranzalem, 19th February, 2019.

#### Addendum

No. 2/9/95-AGR/2018-19/Part(I)/363

Read: 1) Order No. 2/9/95-AGR/2018-19/Part(I)/348 dated 19-02-2019.

2) Corrigendum No. 2/9/95-AGR/2018-19/Part (I)/360 dated 22-02-2019.

In the above referred order the following may be added in column No. 4 designation & place of present posting of incumbent at Sr. No. 8 Shri Nitin Bakhale:

“He shall draw his pay and allowances under Budget Head 2401—Crop Husbandry; 00; 102—Foodgrain Crops; 02—Crop Production & Input Management; 01—Salaries”.

By order and in the name of the Governor of Goa.

*Madhav B. Kelkar*, Director & ex officio Joint Secretary (Agriculture).

Tonca-Caranzalem, 25th February, 2019.

#### Department of Education, Art & Culture

Directorate of Higher Education

#### Order

No. ADMN/APPT/CHAIRMAN/GEDC/36/2018/5865

Read: Notification No. 2/23/Accts/DHE/09-10/PF-I/53 dated 06-04-2017.

In exercise of the power conferred under Section 9 of the Goa Education Development Corporation Act, 2003 (Act No. 22 of 2003), the Government of Goa is pleased to appoint Shri Gajanan P. Bhat as Director of the Goa Education Development Corporation with immediate effect in place of Ms. Rukma Sadekar (resigned).

By order and in the name of the Governor of Goa.

*Sachin S. Desai*, Under Secretary (Higher Education/Link).

Porvorim, 27th February, 2019.

#### Directorate of Technical Education

Polytechnic Section

#### Order

No. 17/3/12/2008/DTE/2575

Approval of the Government is hereby conveyed for acceptance of Notice of Voluntary Retirement under Rule 48(A) (1) of CCS (Pension Rules), 1972 in respect of Smt. B. K. Jayalakshmi, Lecturer in Physics, Humanities & Science Department of Government Polytechnic, Panaji.

Smt. B. K. Jayalakshmi may be relieved from her duties with effect from 06-03-2019 (A.N.) from the post of Lecturer in Physics, Humanities & Science Department, Government Polytechnic, Panaji.

By order and in the name of the Governor of Goa.

*Vivek B. Kamat*, Director & ex officio Additional Secretary (Technical Education).

Porvorim, 22nd February, 2019.

## Department of Environment

## Order

No. 7/4/98/STE/DIR/Part-I/910

In pursuance of the sub-rule (3) of Rule 5 of the Noise Pollution (Regulation & Control) Rules, 2000, the Government of Goa is pleased to direct the "authority" specified in the Government Notification No. 7/4/98/STE/DIR/Part I/922 dated 04-12-2007, published in the Official Gazette, Series II No. 37 dated 13-12-2007, Notification No. 7/4/98/STE/DIR/Part I/1545 dated 15-01-2010 and Notification No. 7/4/98/STE/DIR/Part-I/104 dated 23-04-2015, to permit the use of loudspeakers or public address system during night hours (between 10.00 p.m. to 12.00 midnight) during the year 2019, on the days specified in the Schedule hereto, throughout the State of Goa.

This permission is subject to following terms and conditions:-

1. The permission shall be granted only on a case-to-case basic, in response to a specific application made by the concerned Village Panchayat, Municipal Corporation/Municipal Council or an individual.
2. The provisions of the Noise Pollution (Regulation and Control) Rules, 2000 shall be strictly complied with.
3. The 'authority' concerned shall monitor the noise levels during the permitted festive occasion and take prompt remedial action in the event of any violation of the same and of above conditions."

## SCHEDULE

Sr. No.	Cultural/Religious Festive occasion	Date
1	2	3
1.	Carnival (Last day of carnival)	05-03-2019.
2.	Holi	20-03-2019.
3.	Easter Eve	21-04-2019.
4.	Ganesh Chaturthi (2nd day of idol immersion)	03-09-2019.
5.	Ganesh Chaturthi (5th day of idol immersion)	06-09-2019.
6.	Anant Chaturdashi	12-09-2019.
7.	Navaratri (1st day of Navaratri)	29-09-2019.
8.	Navaratri (last day of Navaratri)	07-10-2019.
9.	Kojagiri Poornima	13-10-2019.
10.	Diwali Eve	26-10-2019.
11.	Diwali	27-10-2019.
12.	Tripurari/Kartiki Poornima	12-11-2019.

1	2	3
13.	Christmas Eve	24-12-2019.
14.	Christmas	25-12-2019.
15.	New Year's Eve	31-12-2019.

By order and in the name of the Governor of Goa.

Ravi Jha, IAS, Director & ex officio Joint Secretary.

Porvorim, 26th February, 2019.

## Notification

No. 86-3-2019/ENV/NOTI/923

Ref.: Order dated 16-1-2019 issued by the Hon'ble National Green Tribunal in the matter of Original Application No. 606/2018.

In pursuance to the order of Hon'ble National Green Tribunal (NGT) as cited above, the State Government hereby constitutes the State Level Committee with the following members:-

1.	Chief Secretary	— Chairman.
2.	Secretary (Environment)	— Member.
3.	Secretary (Urban Development)	— Member.
4.	Secretary (Health)	— Member.
5.	Secretary (Rural Development)	— Member.
6.	Chief Engineer, Water Resources Department	— Member.
7.	Chief Engineer, Public Works Department	— Member.
8.	Director, Department of Environment	— Member.
9.	Director, Department of Urban Development	— Member.
10.	Director, Directorate of Industries	— Member.
11.	Director, Directorate of Panchayat	— Member.
12.	Director, Directorate of Health	— Member.
13.	Chief Town Planner, Town and Country Planning Department	— Member.
14.	Managing Director, Goa Waste Management Corporation	— Member.
15.	The Member Secretary, Goa State Pollution Control Board (GSPCB)	— Member Secretary of the Committee.

The Committee shall work as per the directions of Hon'ble National Green Tribunal in O.A. No. 606/2018. The Committee may invite experts and officials from relevant fields for deliberation and advice in its meeting as and when required.

By order and in the name of the Governor of Goa.

Ravi Jha, IAS, Director & ex officio Joint Secretary (Environment).

Porvorim, 28th February, 2019.

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**Department of Finance**  
Revenue & Control Division

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**Order**

No. 38/10/2018-Fin(R&C)

On the recommendation of the Departmental Promotion Committee as conveyed by the Goa Public Service Commission vide their letter No. COM/II/11/43(1)/2019/400 dated 27-02-2019, the following Assistant Commercial Tax Officers in the Office of Commissioner of Commercial Taxes are promoted to the post of Commercial Tax Officer (Group 'B' Gazetted) in the pay scale of Rs. 9,300-34,800+ Rs. 4,600 (GP) (Level 7 of the 7th Pay Commission) on regular basis with immediate effect:-

Sr. No.	Name of the Officers
1.	Smt. M.L.A. Vaz e Fernandes.
2.	Smt. Gina I. Anes.

The above officers shall be on probation for a period of two years from the date of their joining.

They shall exercise option for fixation of pay in the promotional post within a period of one month from the date of issue of Order.

By order and in the name of the Governor of Goa.

Michael M. D'Souza, Addl. Secretary (Finance).  
Porvorim, 01st March, 2019.

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**Department of Forest**

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**Order**

No. 4-3-2014/FOR/81

On recommendation of the Departmental Promotion Committee as conveyed by the Goa Public Service Commission vide letter No. Com/II/11/22(1)/16/370 dated 18-02-2019, the Governor of

Goa is pleased to promote Shri Vikas V. Dessai, Assistant Conservator of Forest (ACF), to the post of Deputy Conservator of Forest (DCF), Group "A" Gazetted, in the pay scale of Rs. 15,600-39,100+6,600 (Level-11 of the 7th Pay Commission) on regular basis in the Office of the Principal Chief Conservator of Forests, Forest Department, Panaji with immediate effect.

The above officer shall be on probation for a period of two years.

The officer shall exercise the option for fixation of pay within one month from the date of this order in terms of F.R. 22(I)(a)(1).

The pay of officer on promotion shall be fixed as per C.C.S. (RP) Rules, 2016.

By order and in the name of the Governor of Goa.

Shaila G. Bhosle, Under Secretary (Forests).

Porvorim, 25th February, 2019.

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**Department of Industries**

**Directorate of Industries, Trade & Commerce**

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**Order**

No. DITC/ADM/GEN-421/2009-10/2090

In pursuance to the Right to Information Act, 2005 and powers vested in me under Section 5(1) of the said Act, I hereby designate the following Officers as First Appellate Authority, State Public Information Officers and State Assistant Public Information Officers:-

Sr. No.	Designation of the officers	Designated as
1	2	3
1.	Deputy Director (Administration), Directorate of Industries, Trade & Commerce	State Public Information Officer (I) 1. Establishment Section 2. Accounts Section 3. Statistical Section 4. Development-II Section 5. I.T. Section
2.	Deputy Director (Industries), Directorate of Industries, Trade & Commerce	State Public Information Officer (II) 1. Development-I Section 2. Registration Section 3. HPCC/IPB Cell 4. Scrapyard Section



1	2	3
	5. MSME Council	
	6. Online Registration/ /Udyog Aadhaar	
	7. Ease of Doing Business	

The following shall be the State Assistant Public Information Officer against the section mentioned below under State Public Information Officer-I and II.

Sr. No.	Section	State Assistant Public Information Officer (I)
1. Establishment Section		Office Superintendent.
2. Accounts Section		Assistant Accounts Officer.
3. Statistical Section		Statistical Officer.
4. Development-II Section		Planning Officer.
5. I.T. Section		Functional Manager-II.
6. Any Miscellaneous Area		Office Superintendent.
		State Assistant Public Information Officer (II)
1. Development-I Section		Functional Manager-I.
2. Registration		Functional Manager-I.
3. HPCC/IPB Cell		Functional Manager-I.
4. Scrapyard Section		Functional Manager-II.
5. MSME Council		Functional Manager-I.
6. Online Registration/ Udyog Aadhaar		Functional Manager-I.
7. Ease of Doing Business		Functional Manager-II.

In terms of provisions of Section 19 of the said Act, the General Manager (DIC) will be the First Appellate Authority under this Act to hear the appeals against the decision of the State Public Information Officers of the Department.

The power and functions of the above officers are defined and specified in the Notification of Right to Information, 2005.

This order supersedes the earlier order issued vide No. 3/421/2009-10/AD/DITC/PIO/2662 dated 26-05-2017.

V. P. Dangui, Director (Industries, Trade and Commerce).

Panaji, 28th February, 2019.

### Corrigendum

No. 10/4/2012-IND/107

Read: Government Notification No. 10/4/2012-IND/80 dated 13-02-2019.

In partial modification of the above cited Notification, the entry at serial No. 2 "Shri Vishwajit Krishnarao Rane, Vice Chairman, Valpoi-Goa", shall be substituted to read as under:-

"Shri Deepaji Hirbarao Rane Sardesai, Kumarkhand, Pissurelem, Satari"

All the other contents of Notification shall remain unchanged.

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Industries).

Porvorim, 1st March, 2019.

### Department of Labour

#### Order

No. 28/26/2018-LAB/171

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management or M/s. Chowgule and Company Private Limited, Material Handling Division, Khandepar, Ponda, Goa, and it's workmen represented by the United Mine Workers Union, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa at Panaji-Goa, constituted under Section 7-A of the said Act.

#### SCHEDULE

- "(1) Whether the action of the management of M/s. Chowgule and Company Private Limited, Material Handling Division, Khandepar, Ponda-Goa, in refusing to concede the following demands raised by the United Mine Workers Union, vide letter dated 01-04-2016, is legal and justified?

## CHARTER OF DEMANDS

**Demand No. 1. Pay Scales:**

Grades:

I-4000-125-4625-135-5300-145-6025-155-6800-165-7625-175-8500-185-9425-200-10425-225-11550-250-12800-275-14175-300-15675.

II-4100-140-4800-150-5550-160-6350-170-7200-180-8100-190-9050-200-10050-215-11125-240-12325-265-13650-290-15100-315-16675.

III-4200-155-4975-165-5800-175-6675-185-7600-195-8575-205-9600-215-10675-230-11825-255-13100-280-14500-305-16025-330-17675.

IV C-IV-4300-170-5150-180-6050-190-7000-200-8000-210-9050-220-10150-230-11300-245-12525-270-13875-295-15350-320-16950-345-18675.

V-4400-185-5325-195-6300-205-7325-215-8400-225-9525-235-10700-245-11925-260-13225-285-14650-310-16200-335-17875-360-19675.

VI CL-III-4500-200-5500-210-6550-220-7650-230-8800-240-10000-250-11250-260-12550-275-13925-300-15425-325-17050-350-18800-375-20675.

VII-4600-215-5675-225-6800-235-7975-245-9200-255-10325-265-11650-275-13025-300-14525-325-16150-350-17900-375-19775-400-21775.

VIII-4700-230-5850-240-7050-250-8300-260-9600-270-10950-280-12350-290-13800-315-15375-340-17075-365-18900-390-20850-415-22925.

IX CL-II-4800-245-6025-255-7300-265-8625-275-10000-285-11425-295-12900-305-14425-330-16075-355-17850-380-19750-405-21775-430-23925.

X-4900-260-6200-270-7550-280-8950-290-10400-300-11900-310-13450-320-15050-345-16775-370-18625-395-20600-420-22700-445-24925.

XI CL-I-5000-275-6375-285-7800-295-9275-305-10800-315-12375-325-14000-335-15675-360-17475-385-19400-410-21450-435-23625-460-25925.

XII-5100-290-6550-300-8050-310-9600-320-11200-330-12850-340-14550-350-16200-375-18075-400-20075-425-22200-450-24450-475-26825.

**Demand No. 2. Flat Rise:**

Union demands that all the workmen shall be given flat rise at the rate mentioned below:

Grade: I, II, & III	:Rs. 3000/-
Grade: IV, V & VI, CL-IV & CL.III	:Rs. 3150/-
Grade: VII, VIII, IX, & CL III	:Rs. 3300/-
Grade: X, XI, XII & CL-I	:Rs. 3500/-

The above amounts should be added to the existing basic and thereafter fitted in the revised pay scale in the higher stage.

**Demand No. 3. Seniority Increments:**

Union demands that the workmen should be given Seniority increments as mentioned below:

Service up to 3 years	: One Increment.
Service from 3 years to 7 years	: Two Increments.
Service from 7 years to 10 years	: Three Increments.
Service from 10 years to 15 years	: Four Increments.
Service from 15 years to 20 years	: Five Increments.
Service from 20 years to 25 years	: Six Increments.
Service from 25 to 30 years	: Seven Increments.
Service above 30 years	: Eight Increments.

**Demand No. 4. Variable Dearness Allowance:**

Union demands that the VDA shall be paid at the revised rate of Rs. 4.5/- per point rise beyond 1770 points (1960=100) the computation of VDA shall be made quarterly based on the average consumer price index of preceding quarter. The amount of VDA up to 1770 points shall be merged in the Basic. And the VDA up to 1770 points shall be merged in the Basic.

**Demand No. 5. House Rent Allowance:**

Union demands that HRA should be paid at the revised rate of 30% of Basic and Dearness Allowance, as the cost of accommodation is very high in Goa due to Tourist State.

**Demand No. 6. Children Education Allowance:**

Union demands that an amount of Rs. 1250/- shall be added to the existing Children Education Allowance of all the workmen.

**Demand No. 7. Conveyance Allowance:**

Union demands that an amount of Rs. 1000/- shall be added to the existing Conveyance Allowance of all the workmen.

**Demand No. 8. Transport facility:**

Union demands that the free transport facility should be provided to those workmen who are presently not provided with this facility. The detail routes shall be given at the time of negotiations.

**Demand No. 9. Washing Allowance:**

Union demands that the existing washing allowance is insufficient to meet the cost of washing the uniforms and hence Washing Allowance be revised to Rs. 750/- per month per workmen.



**Demand No. 10. Uniforms:**

Union demands that two sets of terrycloth stitched Uniforms shall be given to all the workmen once in a year, in the month of January every year.

**Demand No. 11. Paid Holidays:**

Union demands that all the workmen shall be granted paid holidays at rate 16 days per year.

**Demand No. 12. Leave:**

Union demands that all the workers should be given leave on following basis:

- A) Earned Leave: Union demands that all the workmen should be given Earned Leave at the rate 35 days E.L. per year with accumulation up to 120 days and leave shall be allowed to take 10 times in a year. It is further demanded that Weekly off days falling in between the leave shall be excluded from the leave.
- B) Casual Leave: Union demands that all the workmen should be given Casual Leave at the rate of 12 days per year with encashment facility.
- C) Sick Leave: Union demands that all the workmen should be given Sick Leave at the rate of 15 days per year and accumulation up to 60 days.

**Demand No. 13. Leave Travel Assistance:**

Union demands that LTA should be paid at the revised rate of one month gross wages instead of present practice fixed amount, with minimum of four earned days leave. The amount shall be paid one week before the commencement of leave.

**Demand No. 14. Medical Reimbursement:**

Union demands that all workmen are working in the dusty place that causes major hazards to the health of the workers and as such the cost of medicine is very high which cannot be met with the wages paid to the workmen. We therefore demand that the cost of all medical expenses of self and family shall be reimbursed by the company without any ceiling. And in case the workmen want to opt for medical allowance, such workmen shall be paid medical allowance @ Rs. 10,000/- per year.

**Demand No. 15. Promotion Policy:**

Union demands that the separate promotion policy should be promulgated in consultation with the Union. The detail promotion policy will be submitted to the management at the time of negotiations.

**Demand No. 16. Loan:**

Union demands that interest free loan of Rs. 200000/- should be granted for house repair and construction of house. And Rs. 50000/- to meet the expenses towards the purchase of household articles or marriage of self or his/her family member, scooter etc.

**Demand No. 17. Gifts:**

Union demands that workmen should be given service award as mentioned below:

Service up to 5 years gift worth Rs. 3500/- with service certificate.

Service from 5 years to 10 years gift worth Rs. 5000/- with service certificate.

Service from 10 years to 20 years gift worth Rs. 7500/- with service certificate.

Service above 20 years gift worth Rs. 10000/- with certificate.

Union further demands that those workmen retire shall be given 20 gram Gold chain.

**Demand No. 18. Festival Allowance:**

Union demands that all the workman shall be paid Festival Allowance @ Rs. 5000/- once in a year at the time of festival to meet the additional expenses incurred by him for such festival.

**Demand No. 19. Out station allowance:**

Union demands that those workmen who are required to work on out station duty within Goa, they shall be paid the out station allowance at the rate of Rs. 300/- per day and Rs. 500/- per day for out of State.

**Demand No. 20. Supply of Raincoats/Umbrella and safety shoes:**

Union demands that the workmen shall be supplied with Raincoats of Duck Back, Gumboots of Swastik make, Stag Brand Umbrella and Safety shoes of BATA make every year.

**Demand No. 21. Employment next to kin:**

Union demands that the kin of the workmen who died or retired shall be given employment in the company.

**Demand No. 22. Bonus/Ex-gratia:**

Union demands that all the workers shall be paid Bonus/Ex-gratia at the rate of 30% of gross wages every year before Diwali.

**Demand No. 23. Up gradation:**

Union demands that those employees could not get higher grade such employees should be upgraded in higher grade as and when they completes years in one grade.

**Demand No. 24. Canteen subsidy:**

Union demands that all the workers shall be paid Canteen allowance @ Rs. 1000/- per month per workman.

**Demand No. 25. Ambulance:**

Union demands that as there is no ambulance provided at present in the entire shift, ambulance should be provided in all the three shifts.

**Demand No. 26. Shift Allowance:**

The Union demands that all the workmen who work in the third shift shall be paid shift allowance @ rate of Rs. 200/per third shift worked.

**Demand No. 27. Cash handling Allowance:**

Union demands that those workers who handle the cash shall be paid cash handling allowance @ rate Rs. 500/per month.

**Demand No. 28. Gratuity:**

Union demands that all the workmen shall be paid gratuity @ 30 day per year of service.

**Demand No. 29. Supply of sweater:**

Union demands that all the workers shall be given one sweater in the month of September every year.

- (2) If the answer to issue No. (1) above is in the negative, then, what relief the workmen are entitled to?"

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).

Porvorim, 26th February, 2019.

**Notification**

No. 28/2/2019-LAB/Part-II/163

The following award passed by the Labour Court-II, at Panaji-Goa on 30-01-2019 in Case No. Ref. LC-II/IT/9/2017 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).

Porvorim, 22nd February, 2019.

## IN THE LABOUR COURT-II

GOVERNMENT OF GOA  
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble  
Presiding Officer)

Case No. Ref. LC-II/IT/9/2017

Shri Hemant G. Shet,  
Rep. by the General Secretary,  
Gomantak Mazdoor Sangh,  
G-5, Macedo Appts.,  
Tisk, Ponda-Goa. ... Workman/Party-I  
V/s

The Hindustan Foods Ltd.,  
Marvasodo, Usgao,  
Ponda-Goa. ... Employer/Party-II  
Workmen/Party-I represented by Adv. Shri S.  
Gaonkar.

Employer/Party-II represented by Adv. Shri P. J.  
Kamat.

Panaji, dated: 30-01-2019

**AWARD**

1. In exercise of the powers conferred by Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa, by Order dated 09-05-2017, bearing No. 28/12/2017-LAB/315, referred the following dispute for its adjudication to this Labour Court of Goa at Panaji-Goa.

- "(1) Whether Shri Hemant G. Shet, Sales Representative could be construed as "workman" as defined under Section 2 (s) of the Industrial Disputes Act, 1947 (Central Act 14 of 1947)?
- (2) If the answer to the issue No. (1) above is in the affirmative, then whether the action of the management of M/s. Hindustan Foods Limited, Marvasodo, Usgao, Ponda, Goa in transferring the workman, Shri Hemant G. Shet, Sales Representative, to Jammu, with effect from 10-10-2016, is legal and justified?
- (3) If the answer to the issue No. (2) above is in the negative, then, what relief the workman is entitled to?"

2. On receipt of the reference, a case was registered under No. LC-II/IT/09/2017 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Workman/Party I (for short, 'Workman') filed his statement of claim on

03-08-2017 at Exb. 4. He stated that he was appointed as 'Sales Representative' at the head office of the Employer/Party II (for short, 'Employer') at Panaji, Goa, w.e.f. 01-11-2011. He stated that since his joining he was working in Goa. He stated that he was performing the duties such as physically collecting the orders from the distributors from Goa, submitting the detail order to the sales department of the factory for processing the order collected by him, physically checking the stock of each distributor and submitting the data of physical stock to the department, physical preparation of daily reports, attending the thirty daily calls and preparing the daily reports and submitting the same to his higher authorities, preparing the monthly report of the material sold and verification of opening and closing stock of the distributors and other clerical works as assigned by his superior.

3. He stated that in the month of October, 2013, he was transferred to the factory at Usgao, Ponda, Goa vide letter dated 01-10-2013 and continued to work till November, 2014. He stated that during this period he has carried out the work of clerical nature in the engineering department. He stated that from November, 2015 again he was deputed back to his original department at head office, Campal, Panaji, Goa. He stated that after his transfer to head office, his superior started harassing him and hence in the month of September, 2016, he joined the union namely Gomantak Mazdoor Sangh. He stated that as a part of harassment, he was issued a malafide transfer order dated 01-10-2016 transferring him to Jammu factory, though there is no factory of the Employer. He stated that he was appointed by the Chief Executive Operation, Campal, Panaji, Goa and the transfer order was issued to him by the authorized signatory at Usgao factory. He stated that on receipt of the said transfer order, he made a representation dated 16-11-2016 stating that his transfer order is illegal, unjustified and bad-in-law, issued only with malafide intentions to victimize him. He stated that as the management has not withdrawn the said transfer order, he raised a dispute through his union namely Gomantak Mazdoor Sangh vide union letter dated 27-10-2016. He stated that the Asstt. Labour Commissioner, Ponda called both the parties for intervention, which ended in failure.

4. The workman contended that as he had worked in the factory as clerk, he had offered himself to continue to carry out the same work in the factory and his request was not considered only because the management wanted to victimize him. He submitted that the impugned transfer order

is illegal, unjustified and bad-in-law. He submitted that the said transfer order is malafide. He submitted that as per his appointment letter, he had been appointed at Panaji and that there was no specific clause of transfer anywhere in India and hence, the said transfer order issued to him was illegal and bad-in-law. He submitted that there is no factory of the Employer in Jammu and Kashmir and this fact clearly proves that he was intentionally transferred to Jammu. He submitted that the transferred place is very far from Goa and the service conditions are different from that of Goa. He submitted that after the transfer order, he is unemployed. The Workman therefore prayed that the action of the Employer in transferring him to Jammu be held as illegal, unjustified and malafide and direct the Employer to cancel the malafide transfer and post him at his original place of appointment and that too with full wages from the date of transfer till the date of allowing him to resume the duty at his original place of posting.

5. The Employer resisted the claim of the Workman by filing its written statement on 21-08-2017 at Exb.5. The Employer, as and by way of its preliminary objections, submitted that, what is referred for adjudication is not an 'industrial dispute' as defined u/s 2 (k) of the said Act, that the Gomantak Mazdoor Sangh is not a recognized union with the Employer and that the present dispute cannot be said to be an 'industrial dispute' merely because a letter of demand is made on the letter head of the union, that the Gomantak Mazdoor Sangh has no locus standi to raise an industrial dispute on behalf of the individual workman and that this Labour Court has no jurisdiction to entertain and try the reference.

6. The Employer stated that it is a limited company registered under the Indian Companies Act, 1956 and is having its corporate headquarters and registered office at Campal, Panaji, Goa. The Employer admitted that the Workman was appointed by them as a Sales Representative w.e.f. 01-11-2011 vide letter of appointment dated 01-11-2011. The Employer stated that the Workman was confirmed in its service w.e.f. 01-09-2012 vide letter dated 31-08-2012. The Employer stated that the letter of appointment dated 01-11-2011 specified the terms and conditions of service of the workman, which he had accepted at the time of his appointment. The Employer stated that as per Clause 10 of the appointment letter, it states that "although at the present moment, you would be required to attend to your duties at our head office, Panaji, it is agreed and understood that you will perform the companies duties at such other places

as the company may direct without any extra remuneration. The Employer stated that for the business exigencies and requirements, the services of the workman were transferred to Jammu vide letter dated 01-10-2016 and was requested to report to the Jammu factory on 10-10-2016 by 10.00 a.m. The Employer submitted that as the Workman was transferred to Jammu in the State of Jammu and Kashmir, the appropriate Government to raise any dispute before the authority is the Jammu and Kashmir State and not Goa State Government. The Employer therefore submitted that the Government of Goa has no jurisdiction to refer the present dispute to this Hon'ble Labour Court II for adjudication and on this ground itself the reference is bad-in-law. The Employer stated that since the Workman was transferred to Jammu, the Workman should have reported at the transferred place and then only ought to have raised the dispute before the appropriate authority of the respective State. The Employer stated that the cause of action arise at the transferred place. The Employer stated that it is a better judge to run its business in professional manner and in the interest of organization. The Employer stated that it has full jurisdiction and power to deploy the appropriate manpower at the appropriate place depending upon the business exigencies and requirements. The Employer stated that the present transfer is arising out of the business exigencies and necessities. The Employer stated that the transfer is within the provisions of law and as per the appointment letter and this Hon'ble Labour Court should not interfere with the administrative decision of the Employer.

7. Without prejudice to its aforesaid contentions, the Employer submitted that the Party I is not a 'workman' within the meaning of Section 2 (s) of the I.D. Act, 1947. The Employer stated that it is governed by the Certified Standing Orders applicable to its workmen category. The Employer stated that Clause 17 of its Certified Standing Orders also provides for transfer of a workman from one place to another or from one establishment to another of the ownership or management of the firm provided that by reason of such transfer the emoluments, grade, continuity of service and other conditions of service of the workman are not adversely affected. The Employer stated that instead of reporting for duty at the transferred place, the Workman through the Gomantak Mazdoor Sangh sent a letter dated 27-10-2016 to the Asstt. Labour Commissioner, Ponda, Goa requesting the said office to intervene in the matter of the said transfer contending that the said transfer is illegal, malafide, unjustified, bad-in-law and also to

victimize him. The Employer stated that after the issue of transfer of order dated 01-10-2016, it had also given option to the Workman either to go to Jaipur or Himachal Pradesh location if he is not comfortable to go to Jammu vide its letter dated 11-11-2016 in reply to email request to cancel his transfer order. The Employer stated that the Workman received the said letter, but did not report to the place of transfer nor intimated anything in the matter. The Employer stated that it has filed its reply to the demand of the Workman on 17-12-2016 denying the allegations of the said union made in its demand letter dated 27-10-2016 and reiterating its reasons for transfer of the workman at Jammu. The Employer stated that the letter of appointment issued to the Workman as well as its Certified Standing Orders clearly empowered them to transfer the services of any employee at its discretion in the interest of the company from one department to another or from one place to other or from one establishment to another of the ownership or management of the firm. The Employer submitted that by the said transfer, the existing wages, grade, continuity of service and other conditions of service of the workman are not adversely affected. The Employer therefore submitted that its action in transferring the services of the Workman is within the parameters of the provisions of law and this court should not interfere with the same. The Employer denied the overall case as pleaded by the Workman and prayed for dismissal of the present reference.

8. Thereafter, the Workman filed his rejoinder on 19-09-2017 at Exb. 07. The Workman, by way of his rejoinder, denied each and every statement, averments and submissions made by the Employer in its written statements which are contrary and inconsistent to the statements, averments and a submission made in his statement of claim and reiterates his case as pleaded in his statement of claim.

9. Based on the pleadings filed by the respective parties, this court framed the following issues on 06-10-2017 at Exb. 8.

1. Whether the Workman/Party-I proves that he is a 'workman' within the meaning of Section 2 (s) of the I.D. Act, 1947?
2. Whether the Workman/Party-I proves that the action of the Employer in transferring his services to Jammu w.e.f. 10-10-2016 is illegal and unjustified?
3. Whether the Employer/Party II (1) proves that the present order of reference is bad-in-law in view of the reasons stated in para 2 (a), 2 (b) and 2 (d) of the Written Statement?



4. Whether the Workman/Party I is entitled to any relief?

5. What order? What award?

10. My findings to the aforesaid issues are as under:

- (a) Issue No. 1 : In the affirmative.
- (b) Issue No. 2 : Does not arise.
- (c) Issue No. 3 : In the negative.
- (d) Issue No. 4 & 5 : As per final order.

I have heard the oral arguments of Ld. Adv. Shri S. Gaonkar, appearing for the Workman as well as Ld. Adv. Shri P. J. Kamat, appearing for the Employer. Ld. Advocates appearing for the respective parties also filed their synopsis of written arguments.

11. Ld. Adv. Shri P. J. Kamat, representing the Workman, during the course of his oral arguments submitted that the Party I was appointed as 'Sales Representative' by the Employer w.e.f. 01-11-2011 at Panaji, Goa. He submitted that the predominant nature of duties of Party I were such as physically collecting the orders from the distributors from Goa, submitting the detail order to the sales department of the factory for processing the order collected by him, physically checking the stock of each distributor and submitting the data of physical stock to the department, physical preparation of daily reports, attending the thirty daily calls and preparing the daily reports and submitting the same to his higher authorities, preparing the monthly report of the material sold and verification of opening and closing stock of the distributors and other clerical works as assigned by his superior. He submitted that the aforesaid duties performed by the Party I were clerical in nature although he was designated as Sales Representative. He submitted that the Party I is a 'workman' within the meaning of Section 2 (s) of the I.D. Act. In support of his oral submissions he relied upon two judgments of Hon'ble High Court of Bombay, one in the case of **Promer Sales v/s. Manohar, reported in 1993 I Mah LJ 537** and another in the case of **Berger Paints India Ltd. v/s. C.N. Raut, reported in 2002 (1) LLN 200**. He submitted that the appointment letter issued to the Party I as well as Standing Orders of the Employer at the time of his joining did not contemplate transfer to a place to be set up in the future or even to a place outside Goa. In support of his oral submissions, he relied upon two judgments of Hon'ble Supreme Court of India, one in the case of **Kundan Sugar Mills v/s. Ziyauddin and Ors., reported in 1960 (2) SCR 918** and another

in the case of **Crest Communications Ltd. v/s. Ms. Sheetal, reported in (2001) 4 Mah 919**. He submitted that at the time of employment of the Party I, it was not in the contemplation that the workman could be transferred to any location outside Goa and as such the transfer order is illegal. He submitted that it is settled law that the Employer has right to transfer on account of business exigencies. He submitted that in the preset case, it has been proved beyond doubt that there were no business exigencies in Jammu in October, 2016, when the transfer order was passed by the Employer. He submitted that it has also come on record that the Jammu Kashmir started functioning only in January, 2018 and as such there was no administrative exigencies in October, 2016 when the transfer order was issued to the Workman. He therefore submitted that the transfer order issued to the Workman is illegal and mala fide. He further submitted that the Employer challenged the present reference by contending that what is referred for adjudication is not an industrial dispute as defined u/s 2 (k) of the said Act, that the Gomantak Mazdoor Sangh is not recognized union with the Employer and that the present dispute cannot be said to be an industrial dispute merely because a letter of demand is made on the letter head of the union, that the Gomantak Mazdoor Sangh has no locus standi to raise an industrial dispute on behalf of an individual workman and that this Labour Court has no jurisdiction to entertain and try this reference. He submitted that the burden to prove the said issue is on the Employer. He submitted that a bare perusal of the definition of the term 'industrial dispute' as defined u/s 2 (k) of the said Act, made clear that any dispute between the employer and employee which is connected to matter of employment is an industrial dispute. He submitted that a question of transfer is undoubtedly an industrial dispute. He submitted that the Party I has produced a joining letter dated 15-09-2016 (Exb.14) which gives permission to the union to raise any dispute on his behalf. He submitted that espousal by a trade union can be in any form and is not required to be only by resolution. In support of his oral submissions he relied upon a judgment of Hon'ble Supreme Court of India in the case of **J.H. Jadhav v/s. Forbes Gokak Ltd. reported in (2005) 3 SCC 202**. He also relied upon two judgments of Hon'ble High Court of Bombay in support of his oral submissions, one in the case of **Polypharma Pvt. Ltd. v/s. K. Sabha reported in 2006 (2) LLN 716** and another in the case of **Maharashtra General Kamgar Union v/s. State reported in 1995 (2) Mh LJ 248**. He submitted that the Employer has also take a stand



as to the territorial jurisdiction of the State of Goa to make the present reference. He submitted that as the entire cause of action has been taken in the State of Goa, the reference is valid. In support of his oral submissions, he relied upon a judgment of Bombay High Court, one in the case of **Glaxo Smithkline Pharmaceuticals Ltd. v/s. Abhay Raj Jain, reported in 2002 (4) Mh LJ 426** and another in the case of **Mohan Mhatre v/s. Udaipur Distillery Co. Ltd. reported in 2003 (4) Mh LJ 1047**. He submitted that since the management has used the device of transfer as a mean to dispense with the services of the Workman, he is entitled for reinstatement with full back wages. In support of his oral submissions, he relied upon the following judgments of Hon'ble Apex Court.

- (a) In the case of **Deepali Gundu Surwase v/s. Kranti Junior Adhyapak Mahavidyalaya (D.Ed) and Ors., reported in 2014 II CLR 813**.
- (b) In the case of **Sudarshini v/s. Presiding Officer, reported in 2017 SCC 8390** and
- (c) In the case of **Hemraj v/s. Saoner Project, reported in 2014 SCC 3434**.

12. Per contra, Ld. Adv. Shri P. J. Kamat representing the Employer during the course of his oral arguments submitted that it has pleaded in its written statement that what is referred for adjudication is not an 'industrial dispute' as defined u/s 2 (k) of the said Act, that the Gomantak Mazdoor Sangh is not recognized union with the Employer and that the present dispute cannot be said to be an industrial dispute merely because a letter of demand is made on the letter head of the union, that the Gomantak Mazdoor Sangh has no locus standi to raise an industrial dispute on behalf of an individual workman and that this Labour Court has no jurisdiction to entertain and try this reference. He submitted that a dispute can be an industrial dispute within the meaning of Section 2 (k) of the said Act only when it is espoused or sponsored by the union of workmen i.e. the union functioning in the establishment or by substantial number of workmen of the said establishment. He submitted that an individual employee cannot by himself raise a dispute u/s 2 (k) in respect of his transfer and any such dispute by an individual workman is not an industrial dispute under the said section. In support of his oral submissions he relied upon judgment of Hon'ble Apex Court in the case of **Newspaper Ltd. v/s. State Industrial Tribunal reported in 1950-83 SC LJ Vol. 6 page 411** and in the case of **Bombay Union of Journalist**

**and Ors. v/s. The Hindu Bombay and Anr., reported in 1950-83 SC LJ Vol. 6 page 1**. He also relied upon a judgment of Hon'ble High Court of Bombay in the case of **Singapore Airlines Ltd. and Anr. v/s. Mr. Quentin Rodrigues reported in 2008 II CLR 627 Bom**. He submitted that Party I has also not produced any documentary evidence such as resolution taken by the Gomantak Mazdoor Sangh admitting the Party I as its member and/or resolution by the union showing that a substantial number of workmen of the Employer are members of the Gomantak Mazdoor Sangh and/or that the dispute of the Party I was taken up by the substantial number of workmen of the Employer and/or the resolution passed by the union authorizing the General Secretary of the Gomantak Mazdoor Sangh to espouse the cause of the Party I. He submitted that except the Party I no other workers of the Employer were members of the Gomantak Mazdoor Sangh nor it is the case of the Gomantak Mazdoor Sangh that the workmen of the Employer are members of their union. He submitted that the Party I has failed to produce any such evidence. He therefore submitted that the preset dispute represented by the Gomantak Mazdoor Sangh is not an industrial dispute as defined u/s 2 (k) of the said Act. In support of his oral submissions, he relied upon a judgment in the case of **Workmen of Dimakuchi Tea Estate v/s. Dimakuchi Tea Estate, reported in 1950-83 Vol. 6 SC LJ 334**. He submitted that the present dispute is the dispute of transfer. He submitted that the transfer is an incidence of service and if the transfer is a condition of service it cannot be faulted except on the ground of malafide or there being statutory violation. He submitted that the Party I was transferred vide letter dated 01-10-2016. He submitted that the Party I had not disputed the said transfer till 27-10-2016 on which date the Gomantak Mazdoor Sangh had sent a letter to the ALC, Ponda, requesting the said authority to intervene in the matter of alleging illegal and malafide transfer contending victimization. He submitted that the Party I has not pleaded as to how the said transfer is malafide and illegal or as to how the Party I was victimized and for what reason. He submitted that the Party I has not produced any evidence to that effect. He submitted that the Employer has a factory at Jammu is clear from the factory license at Exb. 29 and the said license has been transferred in the name of the Employer in the year 2018. He submitted that the services of the Party I have been transferred to Jammu for business requirement. He submitted that the Party I was appointed as a Sales Representative and to promote the business of the

Employer. He submitted that if the Employer desires to promote its business in Jammu, no fault can be found in such decisions. He submitted that in the State of Jammu the Employer has the authorized representative, Mr. Ashok Kumar Dabas to whom the Party I is required to report for further instructions. He submitted that the Party I has however, not reported to Jammu and raised a contention that the transfer is malafide, illegal etc. In support of his oral submissions, he relied upon judgments of Hon'ble Apex Court, one in the case of **Cipla Ltd. v/s. Jaya Kumar and Anr., reported in 2000 (84) FLR 80** and in the case of **Suresh S. Bhamre and Anr. v/s Devendra Purushottam Shinde, Police Inspector, Nasik and Ors., reported in 2003 (III) CLR 382**. In the matter of **V.I.P. Industries Ltd. (formerly Aristocrat Luggages Ltd.) Satara v/s. Maharashtra Kamgar Karmachari Sanghatana, reported in 2008 III CLR 22** of Hon'ble High Court of Bombay.

I have also carefully perused the entire records of the present case. I have also considered the various submission advanced by the Ld. Advocates appearing for the respective parties and is of the considered opinion as under.

#### REASONS

##### 13. Issue No. 1:

The burden to prove the issue No. 1 was cast on the Workman. In order to prove the issue No. 1, the Workman examined himself and produced certain documentary evidence in support of his oral evidence.

The term 'workman' has been defined under Section 2 (s) of the I.D. Act and it reads as under:

*"Section 2 (s), "Workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be expressed or implied and for the purposes of any proceedings under this act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with or a consequence of that dispute or dismissal, discharge or retrenchment has laid to that dispute, but does not include any such person*

- (1) *who is subject to the AIR Force Act, 1950 (45 of 1950) or the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957) or*
- (2) *who is employed in the police service or as an Officer or other employee of a prison or*

(3) *who is employed mainly in a managerial or administrative capacity*

(4) *who, being employed in a supervisory capacity draws wages exceeding Rs. 1,600/- per mensem or exercises either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."*

Thus, one has to prove that his predominant nature of duties shall fall in any of the categories i.e. manual, unskilled, skilled, technical, operational, clerical or supervisory work.

14. In the case of **Promer Sales Pvt. Ltd. (supra)**, the Hon'ble High Court of Bombay has held that the Respondent was employed as sales representative. He has to work as per the directions and supervision of his superiors. He was not permitted to take any initiative in the matter of discharge of his duties. He had no managerial, administrative or supervisory functions to perform. While doing his main job as a salesman, he was also doing some clerical work. He was also performing the work of repairing radios. He used to collect the due amounts by way of cheques, demand drafts, cash and book fresh orders and give receipts for the same. He gave daily reports of his work to his Employer and more specifically to the area sales executive. The Hon'ble High Court has held that in the facts and circumstances of the case, it could be said that the complainant was a 'workman' within the meaning of Section 2 (s) of the Act.

15. In the case of **Berger Paints India Ltd. (supra)**, the Hon'ble High Court of Bombay, the Respondent No. 1 was initially appointed as 'Sales Representative' in 1986 and subsequently promoted as 'Senior Sales Representative' in 1988. It was the duty of the Respondent No. 1 to obtain order, collect payment against goods supplied, submit daily report of sales performance, collect the outstanding from the dealer and also to appoint new dealers within the jurisdiction of Mumbai city. The Hon'ble High Court has held that *"the aforesaid duties performed by the Respondent No. 1 are mainly of clerical in nature and as such the Respondent No. 1 is a 'Workman' within the meaning of Section 2(s) of the I.D. Act, 1947."*

16. The principle laid down by the Hon'ble High Court of Bombay in its aforesaid judgments are well recognized and applicable to the case in hand.

16. In the case in hand, undisputedly, the Party I was appointed by the Employer as Sales Representative w.e.f. 01-11-2011 vide its letter dated

01-11-2011 (Exb.11). The services of the Party I were confirmed w.e.f. 01-09-2012 vide letter of the Employer dated 13-08-2012 (Exb.12). The Party I was issued an appointment letter dated 01-11-2011 (Exb. 11). As per clause 11 of the said appointment letter at Exb.11, the Party I would be held responsible to achieve the set sales targets as communicated to him by his superiors from time to time with the responsibility of collecting the sales proceeds and that in case of his failure to fulfill the sales targets and collection of sales proceeds thereof, the same will amount to violation of terms of his appointment. The Party I also pleaded and also stated on oath that as a sales representative of the Employer, he used to make frequent visits to the market/shops and used to take down their requirement for particular products. This requirement was taken by him and communicated to the distributor. He used to take orders from the distributors and report to the Employer and upon his report to the Employer, then he used to make bill and supply to the distributors. He used to help in physically putting the stock in the rikshaw to deliver the products to the distributors. He used to collect cheques from the distributors and submit the same to the Employer. He used to prepare daily reports of the quantity of each products that were requested by the distributors.

17. The sole witness of the Employer Shri Biju Nair, the Sr. Executive, HR and authorized signatory in his oral evidence deposed that the Party I was not performing any of the duties as pleaded by him. The said witness of the Employer, however, in his cross examination admitted that he is not aware of the day to day functioning of the sales representative in Goa. He further deposed that the sales representative does the promotion of activity of the products of the Employer. The said witness of the Employer admitted that the Party I being a sales representative, he had to sell the products manufactured by the Employer at his transferred place. Though the Employer denied that the Party I was not a 'workman' within the meaning of Section 2 (s) of the I.D. Act, 1947, the Employer has failed to plead as well as produce on record any evidence pertaining to the predominant nature of duties and responsibilities of the Party I.

Thus, the predominant nature of the duties and responsibilities performed by the Party I as Sales Representative were of clerical in nature and as such the Party I is a 'workman' within the meaning of Section 2 (s) of the I.D. Act, 1947. In view of above, it is held that the Party I proved that he is a 'workman' within the meaning of Section 2 (s) of the I.D. Act, 1947. The issue No. 1 is therefore answered in the affirmative.

18. Issue No. 3:

I am deciding the issue No. 3 first, prior to the issue No. 2 as the findings of the issue No. 3 goes to the very root jurisdiction of this court.

The Employer, in its written statement, filed in the present proceedings submitted that the reference is not maintainable as what is referred for adjudication is not an 'industrial dispute' as defined u/s 2 (k) of the said Act, that the Gomantak Mazdoor Sangh is not a recognized union with the Employer and that the present dispute cannot be said to be an industrial dispute merely because a letter of demand is made on the letter head of the union, that the Gomantak Mazdoor Sangh has no locus standi to raise an industrial dispute on behalf of an individual workman and that this Labour court has no jurisdiction to entertain and try this reference.

19. The Bombay High Court in the case of **Iqbal Ahmed Kamaruddin v/s. P.L. Majumdar, reported in 1992 (64) FLR 827** in para 8 of its judgment held as follows:

*"8. if what is referred to a Tribunal/Labour Court is not an industrial dispute, it is always open to the party to show to the forum that the dispute referred for adjudication though purported to be an industrial dispute, is in reality not an industrial dispute at all. This has always been recognized as an exception to the general rule postulated in section 10 (4). It is therefore always permissible for an Employer to raise an issue as to whether what has been referred is not an 'industrial dispute' at all and there can be no question of the Tribunal being bound by the order of the reference. It is a settled law that the Appropriate Government makes a reference upon the prima facie view of the matter as to the existence or apprehension of an industrial dispute. It is open to the parties to show that what is referred is not in reality an industrial dispute at all."*

20. The Hon'ble Calcutta High Court in its case of **Deepak Industries Ltd., and Anr. v/s State of West Bengal reported in 1975 Lab. I. C. 1153** has held that *"mere negotiations by some officials of the union with the Employers for conciliations or executing certain documents on behalf of the Workman prior to reference are not conclusive proof of the authority of the Union, to represent the workman whose dispute it is espousing before the Tribunal"*.



21. The principle laid down by the Hon'ble Bombay High Court as well as Hon'ble Calcutta High Court in the above referred cases, makes it clear that the Employer is entitled to raise an objection that the dispute referred is not an Industrial Dispute, even after the reference is made by the Government and the mere fact that the Employer participated in the conciliation proceedings or did not raise any objection during the conciliation proceedings, does not debar the Employer from raising the objection before the Tribunal in a reference that the Union has no locus standi to raise the dispute and hence there is no Industrial Dispute.

22. Therefore, it is to be seen whether the reference is not maintainable because there is no 'industrial dispute' as the union namely the Gomantak Mazdoor Sangh has no locus standi to raise the dispute on behalf of the workman as contended by the Employer.

23. The term 'industrial dispute' has been defined u/s. 2 (k) of the I.D. Act, 1947 and it means any dispute or difference between employers and employers, or between employers and workmen, or between workman and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person. Thus, in order to prove a dispute is an 'industrial dispute' within the meaning of Section 2 (k) of the Act, it must be shown that (a) the dispute is connected with the employment or non-employment of the workman, (b) the dispute between the single workman and his employer was sponsored or espoused by the union of workmen or by a number of workmen. The phrase 'the union' merely indicates the union to which the employee belong even though it may be a union of minority of the workmen, (c) the establishment had no union of its own and some of the employees had joined the union of another establishment belonging to the same industry. In such a case, it would be open to the union to take up the cause of the workmen, if it is sufficiently representative of those workmen, despite the fact that such union was not exclusively of the workmen working in the establishment concern.

24. In the case of **The Newspapers Ltd. (supra)**, before the Hon'ble Apex Court, the third Respondent was appointed as Lino Typist by the Appellant Company but on allegations of incompetence he was dismissed from service. His case was not taken up by any union of workers of the Appellant Company nor by any of the unions of Workmen employed in similar or allied trades,

but the UP Working Journalists Union, Lucknow, with which the third Respondent had no connection, took the matter to the conciliation board, Allahabad. Ultimately the Government made the reference to the Industrial Tribunal by a notification in which one of the points for determination referred was as to whether the services of the third Respondent were wrongfully terminated by the management. The legality of the reference was challenged by the Appellant and the question was raised as to whether a dispute between an employer and a single workman falls within the definition of "industrial dispute" under the U.P. Industrial Disputes Act, 1947. The Hon'ble Apex Court has held that the reference was bad because the dispute was not between the Employer on one hand and his Workmen on the other, nor could the U.P. Working Journalists be called "his workmen" within the meaning of the U.P. Industrial Disputes Act.

25. In the case of the **Bombay Union of Journalist and Others (supra)**, the Hon'ble Apex Court held that "a dispute between an employer and single employee cannot be per say an 'industrial dispute', but it may become one if it is taken up by the union or a number of workmen. The persons who seek to support the cause of a workman must themselves be directly and substantially interested in the dispute and this would depend on the facts and circumstances of each case. Persons who are not employees of the same employer cannot be regarded as so interested, that by their support they may convert an individual dispute into an industrial dispute. In each case, in ascertaining whether an individual dispute has acquired the character of individual dispute the test is whether at the date of the reference the dispute was taken up or supported by the union of the workman of the employer against whom the dispute is raised by an individual workman or by an appreciable number of workmen."

26. In the case of **Singapore Airlines Ltd. and Anr. (supra)**, the Hon'ble High Court in para 14 ruled as under:

"14. It is needless to say that the I.D. Act nowhere contemplates that industrial dispute can come into existence in any particular, specific or prescribed manner. So, whether a dispute which is apparently raised only by an individual has acquired the category of industrial dispute or not shall have to be determined from all the facts and other attending circumstances. Similarly, whether the said dispute is espoused by the union or not shall have to be determined by having, regard

to the relevant circumstances. Sometimes, though apparently one may get impression that dispute is individual dispute, in fact it may be the dispute espoused by the union."

27. In the case of **J.H. Jadhav (supra)**, the Hon'ble Apex Court in para 6 of its judgment held as under:

"6. As far as espousal is concerned there is no particular form prescribed to effect such espousal. Doubtless, the union must normally express itself in the form of a resolution which should be proved if it is in issue. However, proof of support by the union may also be available aliunde. It would depend upon facts of each case. The Tribunal had addressed its mind to the question, appreciated the evidence both oral and documentary and found that the union had espoused the Appellants cause."

28. In the case of **Polypharma Pvt. Ltd. (supra)**, the Hon'ble High Court of Bombay defined the term 'espousal' as under:

"12. Espousal of a dispute cannot have a restricted meaning. It cannot be confined to mere initiation of a dispute. The dictionary meaning of the word 'espousal' is 'the act of espousing or betrothing, the taking upon oneself of e.g. a cause. Espousal therefore, would include not only the initiation but also taking up the cause till its logical conclusion. Therefore this submission of Shri Mokashi is also without any merits. It is a well settled position of law that subsequent withdrawal of support by a trade union, will not affect the character of the dispute, nor will it take away the jurisdiction of an industrial tribunal. What is required to be noticed is, whether on the date of the reference was made a trade union had espoused the cause."

29. In the case of **Maharashtra General Kamgar Union (supra)**, the Hon'ble High Court of Bombay held that "this section has been the subject matter of interpretation in a catena of decisions of the Supreme Court and the crystalized legal position was that, unless a substantial section of the workmen of an industrial establishment espouse or supported the cause made out by one or a few individual workmen of an industrial establishment, the dispute would continue to retain its character as an individual dispute and would not amount to an industrial dispute within the meaning of section 2 (k) of the Act. In other words, a workman, who claimed relief for himself, or a few workmen, who individually claimed relief for themselves, had no

remedy under the act, unless their cause was espoused by a substantial section of other workmen of the same industrial establishment. There were two known methods of such espousal— one, by a collective demand made by a substantial section of workman and the other was espousal of the individual causes by a trade union by a substantial section of the workmen of the industrial establishment. In the absence of either, Courts had uniformly taken the view that the dispute was an individual dispute and did not attend the character of an industrial dispute so as to give jurisdiction to the appropriate Government to make a reference for adjudication.

Thus, from the aforesaid judgments of Hon'ble Apex Court as well as Hon'ble High Courts it is crystal clear that in ascertaining whether an individual dispute has acquired the character of an industrial dispute the test is whether at the date of the reference the dispute was taken up as supported by the union of the workmen of the employer against whom the dispute is raised by an individual workmen or by an appreciable number of workmen.

30. The Industrial Dispute envisages a collective dispute. Unless there is an Industrial Dispute, the reference made by the Government of Goa is not maintainable. However after the introduction of section 2-A to the Industrial Dispute Act, 1947, an individual dispute as contemplated under the said section is deemed to be an Industrial dispute within the meaning of the said Act. Section 2-A contemplates individual dispute as an Industrial Dispute when a workman is discharge, dismissed, retrenched or his services are terminated by the Employer. The dispute involved in the present case is as regards alleged malafide transfer of service of the workman. Admittedly the workman has not raised dispute by himself in his individual capacity, but it is the Gomantak Mazdoor Sangh who has raised the dispute on his behalf. In other words, it is the Union who has espoused the dispute on behalf of the Workman. If the dispute is raised by the Union and the Employer has challenged its authority to raise the dispute, the Union must prove its authority by producing some material evidence before the Labour Court.

31. Therefore, after the introduction of Sec. 2-A, the dispute of discharged, dismissed or retrenched Workman can be raised by the Workman himself or it can be raised by the Workman of the establishment or by the Union. But, when such a dispute is raised by the Workman himself, the dispute is between the individual Workman and the Employer and when it is raised by the Workmen or the Union, the dispute is between the Workman



of the establishment as a class and the Employer and in such a case, the Workmen collectively are the party to the dispute and not the Workman individually. Further, when the dispute is not raised by the Workman himself, but is raised by the Union and if the authority of the union is challenged, such authority is to be proved by producing material evidence before the Tribunal. If the dispute is raised by the Union of the workmen of the establishment itself, the presumption is that the Workman of the establishment has community of interest with the individual employee who is their fellow Workman. But the question is different when the dispute is raised by a Union which is not of the Workman of the establishment, but by a General Union of which the Workman of a particular establishment becomes its member. In such a case, community of interest is to be proved. Such a Union must have a representative character, so as to make a dispute an industrial dispute.

32. In the case in hand, admittedly the dispute is not raised by the Workman himself, but it is espoused by the Union i.e. the Gomantak Mazdoor Sangh. The statement of claim as well as Re-joinder has been signed by the workman. The said Union is not the Union of the workers of the establishment of the Employer, but it is a General Union. The Union has examined the Workman as its sole witness. The said Workman in his oral evidence on record deposed that he is the only member of the Gomantak Mazdoor Sangh from the factory of the Employer. The union has produced on record a letter of the Workman dated 15-09-2016 (Exb. 14) addressed to the General Secretary of the Gomantak Mazdoor Sangh stating that he is a worker working with the Employer and further stated that he would like to join their union and that he shall abide by the rules and regulations of the said union. By the said letter at Exb. 14 he authorized Shri P. Gaonkar, the General Secretary and other office bearer to represent him before the management, the Government officials including Tribunals or any other forum in his labour disputes. He admitted that the said letter at Exb. 14 has been typed by the Gomantak Mazdoor Sangh and obtain his signature. He admitted that there is no acknowledgment or stamp or seal of the union having received the same on 15-09-2016 or at any time thereafter. He admitted that nowhere in the said letter at Exb. 14, it has been stated that he has been admitted as a member of the said union. He admitted that even thereafter he has not received any letter from the said Gomantak Mazdoor Sangh admitting him as a member of the said union by passing necessary resolution in its meeting.

33. In the light of what is discussed above, I am of the view that Gomantak Mazdoor Sangh has failed to prove its authority to espouse the dispute on behalf of the workman. The evidence on record does not indicate that the workman was the member of the union. Neither the General Secretary of the Gomantak Mazdoor Sangh nor any other office bearer of the said union examined himself before this Labour Court to give the evidence that the Gomantak Mazdoor Sangh had the authority or locus standi to espouse the dispute of the workman. In fact the Gomantak Mazdoor Sangh had to examine some person on its behalf to prove that the workman under reference was its member. There is also no evidence on record as to how many employees/workmen of the establishment of the Employer had become the members of the said union, leave aside substantial or appreciable number. Also there is no document on record in the form of resolution or otherwise to show that the workman had authorized the union to espouse his cause by raising the dispute nor there is any document or otherwise to show that the office bearers of the union were authorized to take up the cause of the Workman. Therefore it cannot be held that namely the Gomantak Mazdoor Sangh union could represent the workman so as to transform the dispute between the individual workman and the Employer into an industrial dispute. Hence, it cannot be held that the Gomantak Mazdoor Sangh had the authority or the locus standi to espouse the cause of the workman. It therefore, follows that the dispute referred by the Government does not partake the character of an industrial dispute. This being the case, the reference made by the Government is bad-in-law. I therefore hold that the Employer has succeeded in proving that the union namely Gomantak Mazdoor Sangh has no locus standi to raise the dispute on behalf of the workman and that there is no industrial dispute and as such the reference is not maintainable. The issue No. 3 is therefore answered in the affirmative.

34. *Issue No. 2 and 4:*

While deciding the issue No. 3 hereinabove, I have discussed and come to the conclusion that the Employer has succeeded in proving that the union namely Gomantak Mazdoor Sangh has no locus standi to raise the dispute on behalf of the workman and that there is no industrial dispute and as such the reference is not maintainable. In view of above, the question as to whether the workman proves that the action of the Employer in transferring his service to Jammu w.e.f. 10-10-2016 is illegal and unjustified, does not arise.

Consequently, the Workman is not entitled to any relief. The issue No. 2 is therefore answered accordingly. The issue No. 4 is answered in the negative.

In view of the above, I proceed to pass the following order:

## ORDER

1. It is held that no 'industrial dispute' existed at the time when the Government made the reference. It is further held that the reference made by the Government is bad in law and hence, rejected.

2. No order as to costs.

Inform the Government accordingly

Sd/-  
(Suresh N. Narulkar)  
Presiding Officer,  
Labour Court-II.

## Notification

No. 28/2/2019-LAB/Part-II/162

The following award passed by the Labour Court-II, at Panaji-Goa on 05-02-2019 in Case No. Ref. LC-II/IT/07/2017 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).  
Porvorim, 22nd February, 2019.

## IN THE LABOUR COURT-II

GOVERNMENT OF GOA  
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble  
Presiding Officer)

Case No. Ref. LC-II/IT/07/17

Shri Premanand S. Naik,  
Rep. by the General Secretary,  
Kadamba Kamgar Union,  
BG-10, Ground Floor,  
Casa Immaculade,  
Jose Falco Road,  
Near Panajim Church,  
Panaji-Goa.

... Workman/Party-I

V/s

The Managing Director,  
M/s. Kadamba Transport  
Corporation,  
Porvorim, Bardez-Goa.

... Employer/Party-II

Workman/Party-I represented by Adv. Shri A. Kundaikar.

Employer/Party-II represented by Adv. Shri P. Agarwal.

Panaji, Dated: 05-02-2019

## AWARD

1. In exercise of the powers conferred by Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa, by Order dated 20-04-2017, bearing No. 28/01/2017-LAB/253, referred the following dispute for its adjudication to this Labour Court-II of Goa at Panaji-Goa.

"(1) Whether the action of M/s. Kadamba Transport Corporation Limited, Alto-Porvorim, Goa, of withholding up-gradation of Shri Premanand S. Naik, granted under Modified Assured Career Progression Scheme (MACPS), is legal and justified?

(2) If not, what relief the Workperson is entitled to?"

2. On receipt of the reference, a case was registered under No. LC-II/IT/07/17 and registered A/D notice was issued to the Parties. In pursuance to the said notice, the Parties put in their appearance. The Workman/Party-I (for short 'Workman'), filed his statement of claim on 06-10-2017 at Exb-4. The facts of the case in brief as pleaded by the Workman are that he is the member of the Kadamba Kamgar Union, which is espousing the cause of his withholding up-gradation granted under MACPS. He stated that he was employed by the Employer/Party II (for short, 'Employer') as a 'Driver' and presently posted at Margao depot. He stated that he was appointed on probation w.e.f. 08-03-1995 in the pay scale of Rs. 950-20-1150-EB-25-1600. He stated that he was entitled for Time Bound Promotional Scale (TBPS) on completion of 12 years of service i.e. 08-03-2007. He stated that he raised the dispute in respect of withholding of his annual increment vide order dated 17-02-2004.

3. He stated that the said dispute was referred to the Labour Court II. He stated that the Hon'ble Labour Court II was pleased to pass an award dated 09-07-2014 holding that action of the Employer in withholding his one annual increment is illegal and unjustified and further directed the Employer to release his increment with consequential benefits w.e.f. 17-02-2004 to mean thereby there was no order of withholding one annual increment concurrently for three years. He stated that the

Employer entered into the settlement dated 30-04-2010 signed u/s 12 (3) r/w Section 18 (3) of the I.D. Act in the matter of revision of wages as per sixth pay commission recommendations. He stated that the said settlement was implemented w.e.f. 01-01-1996. He stated that in accordance with the said settlement, his pre-revised scale was Rs. 4000-100-6000 corresponding to the revised scale of Rs. 5200-20200+2400/-. He stated that the Employer was pleased to extend the recommendation of pay commission for introduction of MACPS and accepted the same with further modification to grant three financial up-gradation under the said scheme at intervals of 10, 20 and 30 years of continuous regular service. He submitted that the MACPS envisages merely placement in the immediate next higher grade pay in the hierarchy in the recommended revised pay band and grade pay. He submitted that in consonance with the MACPS, he was entitled for first financial up-gradation on completion of 10 years in the direct entry in grade pay. He submitted that he was entitled for the first financial up-gradation under MACPS on completion of 10 years of service i.e. on 13-03-2005 and second financial up-gradation on completion of 20 years of service i.e. 13-03-2015.

4. He stated that he was appointed on probation vide order dated 13-03-1995 alongwith the driver, Shri Anil Parab badge No. 6031, designated as MACP II and was extended benefits of the second financial up-gradation. He stated that the said Shri Anil Parab was given increment in his basic pay of Rs. 10,940/- and grade pay of Rs. 2800/- with increment of 420/- from 01-07-2015 and thereafter his basic pay was Rs. 11,360/- and grade pay of Rs. 2800/- on 01-07-2016. He stated that however, he was designated as TBPS with basic pay of Rs. 10,170/- and grade pay of Rs. 2400/- w.e.f. 01-07-2015. He stated that he was given increment in basic pay of Rs.10550/- and grade pay of Rs. 2400/- w.e.f. 01-07-2016 with increment of Rs. 380/-. He submitted that thus, there is anomaly in his pay revision.

5. He stated that he was entitled for TBPS in the pay scale of Rs. 4000-100-6000 w.e.f. 08-03-2006 in the corresponding pay scale in the pay band of Rs. 5200-20200+2400/-. He stated that he was entitled for increment on 01-03-2006. He stated that he had obtained additional increment in pursuance of pay revision as on 01-07-2006 i.e. the date of release of annual increment under the MACPS. He stated that his maturity was on March and therefore he was entitled for revision in the pay scale in the month of January. He stated that the up-gradation in the month of March which was to be considered

in the month of January. He stated that the withholding of his increment shall have no consequential effect on up-gradation as he was eligible for the revision in the month of January prior to the date of withholding of the annual increment. He submitted that the similarly placed workman, who were appointed along with him vide order dated 13-03-1995 are extended the benefits of the second up-gradation which is prevalent in the corporation on the strength of 20 years of service in the same grade as provided under the MACPS and denied the said benefits to him which is ultra-virus of the said scheme. He stated that his case is a gross case wherein the workmen have been compelled to seek sanctuary in portals of the Hon'ble Tribunal. He submitted that he is grossly discriminated against the whims and caprices of unmoving bureaucracy. The Workman therefore prayed that the Hon'ble Tribunal be pleased to pass an award holding that his withholding of up-gradation under the MACPS is illegal and unjustified and further direct the Employer to release the up-gradation under the MACPS with consequential reliefs attached to the post @12% p.a. from the date of the order till the actual realization.

6. The Employer resisted the claim of the Workman by filing its written statement on 03-04-2018 at Exb. 05. The Employer, as and by way of its preliminary objections, submitted that the reference is not maintainable as the Kadamba Kamgar Union has no locus standi to raise the present dispute, that there is no industrial dispute exist between the parties as defined u/s 2 (k) of the I.D. Act, 1947, that the reference is bad as the workman has directly approached before this court without exhausting the other remedies available to him and as per the terms of memorandum of settlement dated 30-04-2010 agreed upon between its management and its workmen and the same is being applicable to the Workman and that the reference has been made by the Government of Goa without any material on record, in haste and without application of mind.

7. The Employer stated that it is a Government Company registered under Section 617 of the Companies Act, 1956 and also a State Transport undertaking under the Provisions of Motor Vehicles Act, 1988. The Employer stated that its employees are not the employees of the Government of Goa. The Employer stated that it being a separate legal entity altogether different from Government of Goa, the service benefits being granted by the Government of Goa to its employees, do not become automatically applicable to the employees of the

Corporation. The Employer stated that its employees are governed by its own Certified Standing Orders. The Employer stated that the service condition applicable to its employees are specified in its Certified Standing Orders as well as Memorandum of Settlement drawn between its management and its employees union from time to time. The Employer stated that the service conditions of its employees are not governed by Government notifications, regulations, orders etc. which are applicable to the Government employees only. The Employer stated that any benefits which are required to be extended to its employees are required to be extended by the resolution of its Board of Directors or through the settlement arrived at between its management and its workmen union. The Employer stated that similarly, there are certain benefits which are otherwise not applicable to the Government employees, but the same are made available to its employees.

8. The Employer stated that it had also decided in principle to make applicable the recommendation of the sixth pay commission to its employees subject to the financial support for the implementation from Government of Goa. The Employer stated that accordingly its Board of Directors in its 161 meeting held on 16-12-2008 resolved to request the Government for providing financial support for implementation of the recommendations of sixth central pay scales to its employees vide resolution No. 136/2008. The Employer stated that it had moved a proposal to the Government of Goa through the Director of Transport for providing financial assistance vide its letter dated 12-01-2009 and the Government after considering its request decided to provide the financial support to them to implement sixth pay recommendations to its employees. The Employer stated that after the series of conciliation meetings between themselves and its employees union the parties arrived at a settlement on the extension of sixth pay commission recommendations vide memorandum of settlement dated 30-04-2010. The Employer stated that the said MOS dated 30-04-2010 sets out the terms and conditions for acceptance of certain recommendations of the sixth pay commission in respect of revision of pay scales and subject to the changes made in the settlement terms of the said settlement dated 30-04-2010 to all its workmen/employees were granted the benefits of the said settlement with retrospective effect from 01-01-2006. The Employer stated that in the said MOS dated 30-04-2010, it was agreed between the parties that they shall

give effect to the recommendation of sixth pay commission recommendations w.e.f. 01-01-2006. The Employer stated that however, in respect of the arrears for the period from 01-01-2006 to 31-03-2010 it was expressly agreed by and between the parties that the Employer shall pay 25% of the arrears in the financial year 2010-2011 and the balance 75% of the arrears shall be paid without any interest within a period of seven years commencing from 01-04-2011 to 31-03-2018 in the seven equal yearly installments subject to the conditions as stipulated in the memorandum of settlement dated 30-04-2010 at para 2 (a) to (o). The Employer stated that accordingly, it has issued a detailed orders to all its workmen individually. The Employer stated that vide the said settlement it was agreed by the workmen/association that the demand of revision for wages stood conclusively settled and that they shall not raise any dispute in respect of the pay scales and allowances or any other demands involving additional financial liabilities except those items covered under the sixth pay commission recommendations and further agreed to bind themselves by the revised pay scale. The Employer stated that the recommendation of the sixth pay commission were extended to all its employees including the workman in terms of MOS dated 30-04-2010 u/s 12 (3) r/w 18 (3) of the I.D. Act, 1947 and the arrears arising out of the sixth pay commission are applicable as per the settlement.

9. The Employer stated that the Workman joined in its employment as a Heavy Vehicle Driver on probation w.e.f. 08-03-1995. The Employer stated that the Workman was eligible for TBPS scale on completion of 12 years of service in the year 2007, however the said up-gradation was deferred on account of stoppage of one annual increment for the year 2004 concurrently for three years vide order dated 17-02-2004. The Employer stated that further the Workman was also punished for stoppage of annual increment for the year 2007 with cumulative effect vide order dated 29-03-2006 and hence, the first up-gradation of the workman was deferred. The Employer stated that the punishment of stoppage of one annual increment for the year 2004 concurrently for three years vide order dated 17-02-2004 was challenged by the Workman before the Hon'ble Labour Court. The Employer stated that vide award dated 09-07-2014, the Hon'ble Labour Court II was pleased to hold that withholding of one annual increment vide order dated 07-02-2004 is illegal and unjustified and therefore the court directed to release the increment of the Workman with consequential



benefits w.e.f. 17-02-2004 to mean thereby, there was no order dated 07-02-2004 of withholding one annual increment concurrently for three years. The Employer stated that accordingly, the pay fixation of the Workman was drawn by releasing the increment stopped vide order dated 17-02-2004, considering the fact that no punishment exists as per award dated 09-07-2014 viz-a-viz his completion of 12 years of service in the year 2007, the up-gradation was differed further in 2007 due to stoppage of one annual increment of 2007 with cumulatively vide order dated 29-03-2006. The Employer stated that in suppression of its earlier pay fixation orders issued to the Workman i.e. dated 10-06-2013, dated 04-02-2015 and 20-04-2015 and in terms of the award dated 09-07-2014 passed by the Hon'ble Labour Court in case No. LC-II/IT/01/2003, the annual increment of the Workman was released by order dated 06-11-2015 from Rs. 3650/- to Rs. 3725/- w.e.f. 01-03-2004 and Rs. 3725/- to Rs. 3800/- w.e.f. 01-03-2005.

10. The Employer stated that consequent upon the Sixth Central Civil Service (revised pay) Rules, 2008, the pay of the Workman was fixed in the pay band of Rs. 5200-20200+1900 grade pay to Rs. 7210/- +1900/- (grade pay) w.e.f. 01-01-2006 and his further annual increments in the revised pay were released as mentioned in the order dated 06-11-2015. The Employer stated that the said order dated 06-11-2015 also states that in terms of office circular dated 21-11-2000, the workman is hereby granted TBPS in the pay scale of Rs. 4000-100-6000 w.e.f. 08-03-2008 in the corresponding pay scale in the pay band of Rs. 5200-20200+2400/- and accordingly his pay in the revised pay band is fixed to Rs. 7490/- plus Rs. 2400/- after anticipating his option and further increments were released as mentioned in the order dated 06-11-2015. The Employer stated that the said order states that with revised pay fixation order in terms of the award passed by the Hon'ble Labour Court II in its case No. LC-II/IT/01/2013, on implementation of the said order dated 06-11-2015, the Workman would be entitled for arrears w.e.f. 01-03-2004 in terms of release of his annual increment by virtue of award dated 09-07-2014. The Employer stated that in lieu of award dated 01-07-2014 the difference in the arrears amount for the period for 01-01-2006 to 31-03-2010 were received by the workman vide receipt dated 02-03-2016. The Employer stated that the Workman was then issued order dated 28-06-2017 by which on recommendation of the departmental screening committee, he who had completed 20 years of service in the same grade pay was granted second up-gradation in the pay band of Rs. 5200-

-20200+2400/- grade pay under MACPS in terms of board resolution No. 110/11 and circular dated 27-11-2012, his basic pay was fixed at Rs. 10,170/- plus Rs. 2800/- grade pay w.e.f. 08-03-2015. The Employer stated that the said order further states that the workman may exercise an option, if desired within one month from the date of the receipt of the order, however, till date the Workman has failed to exercise his option. The Employer denied the overall case as pleaded by the Workman and prayed for the dismissal of the present reference.

11. Thereafter, the matter was fixed for filing rejoinder on 19-04-2018. However, Ld. Adv. Shri A. Kundaikar, appearing for the Workman submitted that the Workman did not wish to file any rejoinder.

12. Based on the pleadings filed by the parties hereinabove, this court framed the following issues on 31-07-2018 at Exb. 07.

1. Whether the Workman/Party I proves that the action of the Employer in withholding his up gradation under the MACPS is illegal and unjustified?
2. Whether the Employer/Party II proves that the present reference is not maintainable in view of the reasons stated in para 2 (a) to (d) of its written statement?
3. Whether the Workman/Party-I is entitled to any relief?
4. What order? What award?

13. My findings to the aforesaid issues are as under:

- |                     |                       |
|---------------------|-----------------------|
| (a) Issue No. 1     | : In the negative.    |
| (b) Issue No. 2     | : In the negative.    |
| (c) Issue No. 3 & 4 | : As per final order. |

#### REASONS

I have heard the oral arguments of Ld. Adv. Shri A. Kundaikar appearing for the Workman as well as Ld. Adv. Shri P. Agarwal appearing for the Employer. I have carefully perused the entire records and proceedings of the present case. I have also carefully considered the oral submissions made by the Ld. Advocates appearing for the respective parties and is of the considered opinion as under:

14. In the case of **V.N.S. Engineering Services v/s. Industrial Tribunal of Goa, Daman and Diu and Anr.**, reported in 1987 II LLN 968, the Hon'ble High Court of Bombay has held that "*there is nothing in the Industrial Disputes Act, 1947 that indicates a departure from the general rule that he who approaches a court for relief should prove his case i.e. the obligation to lead evidence to establish*



*an allegation, the test being that he who does not lead evidence, must fail. The Hon'ble High Court of Bombay further held that the provisions of Rule-10-B of the I.D. (Central Rules), 1957 which requires the party raising a dispute to file a statement of demands relating only to the issue in the order of reference for adjudication within 15 days from the receipt of the order of reference and forward copies to the opposite party involved, clearly indicates that the party who raises the industrial disputes is bound to prove the contention raised by him and an Industrial Tribunal or Labour Court would be erring in placing the burden of proof on the other party to the dispute".*

15. In the case of **V.K. Raj Industries v/s Labour Court (I) and Ors. reported in 1981 (29) FLR, 194**, the Allahabad High Court has held that "*the proceedings before the Industrial Tribunal are judicial in nature, even though the Indian Evidence Act, is not applicable to the proceeding before the Industrial Court, but the principle underlying the said Act are applicable.*" The High Court further held that "*it is well settled that if a party challenges the validity of an order and if no evidence is produced, the party invoking the jurisdiction must fail. The High Court has also held that if the Workman fails to appear or to file written statement or produce evidence, the dispute referred by the Government cannot be answered in favour of the Workman and he will not be entitled any relief*".

16. The principle laid down by the Hon'ble High Court in its respective case still holds good. Applying the law laid down by the Hon'ble High Court, in the instant case, the order of reference has been issued by the Government of Goa at the instance of the workman, who has raised the present dispute pertaining to the legality and justifiability of the action of the Employer of withholding up-gradation of the Workman under the MACPS and the relief entitled to him. The Workman filed his statement of claim setting forth his grounds of attack. The said pleadings made by the Workman, in his claim statement has been denied by the Employer in its written statement filed in the present proceedings. Therefore, it was mandatory for the Workman to prove his case that the action of the Employer in withholding his up-gradation under the MACPS is illegal and unjustified and therefore entitled for the relief. However, neither the Workman nor the Employer has lead any evidence either oral or documentary in support of their pleadings respectively. Consequently, the parties failed to prove their case as pleaded. Hence, it is held that the Workman failed to prove that the action of the Employer in

withholding his up-gradation under the MACPS is illegal and unjustified. The Employer also failed to prove that the reference is bad-in-law for any reasons as stated in its written statement by way of preliminary objections. Hence, in the absence of any evidence, it is held that the action of the Employer in withholding up-gradation of Shri Premanand S. Naik, granted under Modified Assured Career Progression Scheme (MACPS), is legal and justified. The Workman is therefore not entitled to any relief. The issue No. 1 to 3 are therefore answered in the negative.

In view of the above, I proceed to pass the following order:

#### ORDER

1. It is held that the action of M/s. Kadamba Transport Corporation Limited, Alto-Porvorim, Goa, of withholding up-gradation of Shri Premanand S. Naik, granted under Modified Assured Career Progression Scheme (MACPS), is legal and justified.
2. The workman, Shri Premanand S. Naik is not entitled to any relief.
3. No order as to costs.

Inform the Government accordingly.

Sd/-  
(Suresh N. Narulkar)  
Presiding Officer,  
Labour Court-II.

#### Department of Law & Judiciary

Law (Establishment) Division

#### Order

No. 1/6/2014-LD(Estt.)/Part/407

Government of Goa is pleased to accept resignation tendered by Adv. Ranjana Salgaonkar, as Government Counsel on the panel of Government Advocates for defending the interest of the Government in the matters allotted to her by the Law Department (Estt.), Secretariat, Porvorim before the District Court (North Goa) for other then Land Acquisition cases, at Mapusa-Goa with immediate effect.

Adv. Ranjana Salgaonkar shall return all the briefs pending with her if any, to the concerned Department under intimation to this Department.

By order and in the name of the Governor of Goa.

Sachin S. Desai, Under Secretary (Law-Estt.).  
Porvorim, 27th February, 2019.

**Notification**

No. 8/18/2018-LD(Estt)/417

In exercise of the powers conferred by Section 78 A of the Registration Act, 1908 (16 of 1908), as in force in the State of Goa (hereinafter referred to as the "said Act"), the Government of Goa hereby approves the refund of the excess registration fees of Rs. 2,610/- (Rupees two thousand six hundred ten only) to Shri Pundalik Ramesh Mandrekar, paid by him towards registration of the Deed of Sale.

This issues with the concurrence of Finance Department (Revenue & Control), vide U.O. No. 1400055743 dated 24-09-2018.

By order and in the name of the Governor of Goa.

*Amir Parab*, Under Secretary (Estt.)/link.  
Porvorim, 27th February, 2019.

**Notification**

No. 8/21/2018-LD(Estt)/421

In exercise of the powers conferred by Section 78 A of the Registration Act, 1908 (16 of 1908), as in force in the State of Goa (hereinafter referred to as the "said Act"), the Government of Goa hereby approves the refund of the excess registration fees of Rs. 98,250/- (Rupees ninety eight thousand two hundred fifty only) to Shri Anoop Tehron, paid by him towards registration of the Second Deed of Mortgage.

This issues with the concurrence of Finance Department (Revenue & Control), vide U.O. No. 1400056114 dated 04-10-2018.

By order and in the name of the Governor of Goa.

*Amir Parab*, Under Secretary (Law-Estt.).  
Porvorim, 27th February, 2019.

**Department of Mines**

Directorate of Mines &amp; Geology

**Order**

No. 01/33/2018/VRS/ADM/MINES/8214

Read: Order No. 01/33/2018/VRS/ADM/MINES/  
/6814 dated 24-10-2018.

Government is pleased to accept the notice of voluntary retirement dated 09-07-2018 tendered by Shri Antonio J. M. Lopes, Assistant Geologist, Goa General Service, Group "B" Gazetted of Directorate of Mines and Geology, Panaji-Goa under Rule 48 of

CCS (Pension) Rules, 1972 and to relieve him from the post of Assistant Geologist, Goa General Service, Group "B" Gazetted of Directorate of Mines and Geology, Panaji-Goa with effect from 09-10-2018 (a. n.).

This is issued in suppression of Order No. 01/33/  
/2018/VRS/ADM/MINES/6814 dated 24-10-2018.

By order and in the name of the Governor of Goa.

*Ameya Abhyankar*, IAS, Director (Mines & Geology).

Panaji, 28th February, 2019.

**Order**

No. 01/72/ADM/2005/MINES/PART-I/8249

Read: Order No. 01/72/ADM/2005/MINES/PART-I/  
/2627 dated 13-11-2017 published in the  
Official Gazette No. 33 Sr. II dated 16-11-2017.

In partial modification of order read at preamble, and in pursuance to Section 19 of Right to Information Act, 2005 (Central Act No. 22 of 2005) the Deputy Director of Mines and Geology-I, II & III is hereby designated as FIRST APPELLANT AUTHORITY according to the subject matters.

Further, in pursuance to Section 5 of the Right to Information Act, 2005 (Central Act No. 22 of 2005), the following are designated as State Public Information Officers in respect of their allocation of subject matters.

1. Shri Sankalp U. Shet Dessai, Assistant Geologist ..... Major Mineral & (Link) Shri Sudhir Mandrekar, Assistant Geologist.
2. Shri Deepak Mayekar, Assistant Geologist ..... Minor Mineral & (Link) Shri Mahesh Mayenkar, Assistant Geologist.
3. Shri Jaiwant Kamat, Surveying Officer ..... Survey Section.
4. The Assistant Accounts Officer ..... Accounts Section.
5. Statistical Officer ..... Statistics matters.
6. Smt. Gauri Lolienkar, Head Clerk ..... Establishment Section & (Link) Shri Saklu Velip, Head Clerk.

The following are hereby designated as Assistant Public Information Officers in respect of the designated duties as shown against their names.

1. Kum. Mary Ann Carvalho, ... Major Mineral. Assistant Geologist

2. Shri Vasant Karelkar, ... Minor Mineral.  
Assistant Geologist
3. Shri Snehal Sangelkar, ... Survey Section.  
Head Surveyor
4. Accountant ... Accounts  
Section.
5. Research Assistant ... Statistics.

Shri Baban Gaonkar, U.D.C. dealing hand will put up the matters related to information called for under the Act to the concerned P.I.Os and A.P.I.Os for obtaining of duly attested records required under the Act.

This order is to be scrupulously adhered under the Act failing which action as per the provision of the Act shall be initiated.

This order comes into force with immediate effect.

*Ameya Abhyankar*, IAS, Director (Mines & Geology).

Panaji, 4th March, 2019.

◆◆◆

### Department of Personnel

#### Order

No. 6/3/2002-PER(Vol.I)/669

In exercise of the powers conferred under Rule 43 of the Goa Civil Service Rules, 2016 (hereinafter to be called as said rules), the Government, in consultation with the Goa Public Service Commission, hereby relaxes Rule 31(2) of the said Rules, to the extent as indicated in column (3) of the table hereinunder to the following class of officers in Junior Scale of Goa Civil Service as mentioned in column (2), who have completed 2/3rd qualifying service from the date of their appointment/promotion.

Sr. No.	Name of the Officer	Relaxation granted
1.	Ms. Neetal P. Amonkar	2 years.
2.	Shri Arvind B. Khutkar	2 years.
3.	Shri Pipi T. Murgaonkar	2 years.
4.	Shri Sagun R. Velip	2 years.
5.	Ms. Sushma D. Kamat	2 years.
6.	Ms. Maria Seomara D'Souza	2 years.
7.	Shri Gourish J. Shankhwalkar	2 years.
8.	Shri Mahadev J. Araundekar	2 years.
9.	Shri Harish N. Adconkar	2 years.
10.	Smt. Sarita Sadashiv Marathe alias Gadgil	2 years.
11.	Smt. Sangeeta S. Rawool alias Smt. Sangeeta Porob	2 years.

This issues with the approval of Goa Public Service Commission conveyed vide letter No. COM/II/11/42(4)/2016(Part file)/1223 dated 25-02-2019.

By order and in the name of the Governor of Goa.

*Yetindra M. Maralkar*, Additional Secretary (Personnel).

Porvorim, 25th February, 2019.

#### Order

No. 6/3/2002-PER (Vol. I)/673

On the recommendation of local DPC, the Governor of Goa is pleased to promote on ad hoc basis, the following Junior Scale Officers of Goa Civil Service to Senior Scale in Level 11 of the CCS Revised Pay Band Rules, 2016, with immediate effect:-

1. Ms. Neetal P. Amonkar.
2. Shri Arvind B. Khutkar.
3. Shri Pipi T. Murgaonkar.
4. Shri Sagun R. Velip.
5. Ms. Sushma D. Kamat.
6. Ms. Maria Seomara D'Souza.
7. Shri Gourish J. Shankhwalkar.
8. Shri Mahadev J. Araundekar.
9. Shri Harish N. Adconkar.
10. Smt. Sarita Sadashiv Marathe alias Gadgil.
11. Smt. Sangeeta S. Rawool alias Smt. Sangeeta Porob.

The above ad hoc promotion shall be for a period of six months or till the post is filled on regular basis whichever is earlier.

The above ad hoc promotion shall not bestow on the promoted officers any claim for regular promotion and service rendered on ad hoc basis in the grade will not count for the purpose of seniority in that grade or for eligibility for promotion to the next higher grade.

The posting order of the officers is being issued separately, and the officers shall continue to hold the post/s presently held by them.

By order and in the name of the Governor of Goa.

*Yetindra M. Maralkar*, Additional Secretary (Personnel).

Porvorim, 26th February, 2019.

**Order**

No. 7/3/2019-PER/684

The Governor of Goa is pleased to order posting of the following officers as shown against their name with immediate effect till the process of General Elections to the House of the People (Lok Sabha), 2019 is complete:-

Sr. No.	Name of the officer	Post
1	2	3
1.	Smt. R. Menaka, IAS	Collector, North.
2.	Dr. Tariq Thomas, IAS	Director, Department of Urban Development, Panaji.
3.	Shri Ajit Roy, IAS	Collector, South.
4.	Shri Shashank Mani Tripathi, IAS	Commissioner of Corporation of City of Panaji.

Shri Agnelo A. J. Fernandes shall continue to hold the charge of the post of Additional Collector-I, South.

Shri Levinson Martins shall continue to hold the charges of the post of Director, Science & Technology and Managing Director, Solid Waste Management Corporation.

The officers shall continue to draw their salary from the post held by them prior to this order, except Shri Shashank Mani Tripathi, IAS.

The officers shall report back to their post after completion of the process of General Elections to the House of the People (Lok Sabha), 2019.

The officers shall report to their respective posting immediately.

By order and in the name of the Governor of Goa.

*Harish N. Adconkar*, Under Secretary (Personnel-I).  
Porvorim, 27th February, 2019.

**Order**

No. 15/1/99-PER(Part)/685

The Governor of Goa is pleased to order the posting of the following Officers in the cadre of Mamlatdar/Jt. Mamlatdar/Assistant Director of Civil Supplies as indicated in column (4) hereinbelow:-

Sr. No.	Name of the officer	Present post	Posting during the Elections to Lok Sabha
1.	Shri Shripad Majik	Jt. Mamlatdar-I, Mormugao	Jt. Mamlatdar-I, Ponda.
2.	Shri Saiesh Naik	Jt. Mamlatdar-I, Ponda	Jt. Mamlatdar-I, Mormugao.
3.	Shri Pravind J. Gawas	Vigilance Officer-IV	Mamlatdar in Collectorate (North).
4.	Ms. Archana M. Faterpekar @ Smt. Archana S. Chodankar	Mamlatdar in Collectorate (North)	Vigilance Officer-IV.

All the above officers shall continue to draw their salary against the posts presently held by them, as mentioned in column (3).

The officers shall report back to the post as indicated in column (3) after the process of General Election to House of the People (Lok Sabha), 2019 is complete.

The officers shall report to their respective posting immediately.

By order and in the name of the Governor of Goa.

*Harish N. Adconkar*, Under Secretary (Personnel-I).

Porvorim, 27th February, 2019.

**Order**

No. 6/5/2011-PER/686

The Governor of Goa is pleased to order postings of the following Junior Scale Officers of Goa Civil Service with immediate effect. The officers shown in column (4) shall hold charge of the posts held by officers mentioned in column (2) as under:-

Sr. No.	Name of the officer & present post	Posting during the Elections to Lok Sabha	Officer to hold the additional charge
1	2	3	4
1.	Shri Vivek Naik, Chief Officer, Bicholim Municipal Council	Administrator of Comunidade, North Zone	Shri Clen Madeira, Chief Officer, Mapusa Municipal Council.
2.	Shri Vikas Kamble, Asst. Commissioner of Commercial Taxes (ACCT)	Administrator of Comunidade, Central Zone	Smt. Sangeeta Porob, Asst. Commissioner of Commercial Taxes (ACCT) & SLAO, Goa Housing Board.
3.	Shri Vishal Kundaikar, Chief Officer, Cuncolim Municipal Council	Deputy Collector & SDO (Satari)	Shri Kapil C. Phadte, Chief Officer, Curchorem Municipal Council.
4.	Shri Vivek H.P. (IAS), Dy. Collector & SDM, Bicholim	Deputy Collector & SDM, Tiswadi	—
5.	Shri Sachin S. Desai, 1) Under Secretary (Law & Estt.) 2) OSD in Goa Real Estate Regulatory Authority	Deputy Collector & SDM, Bicholim	1) Shri Amir Parab, Under Secretary to Minister for Urban Development. 2) Shri Harish Adconkar, Under Secretary (Personnel-I).
6.	Shri Sagar Gaude, Asst. Commissioner of Commercial Taxes	Deputy Collector (DRO), North	Shri Chandresh Kunkalkar, Asst. Commissioner of Commercial Taxes (ACCT).
7.	Shri Kabir K. Shirgaonkar, Deputy Director (Admn.), DSLR	Deputy Collector & SDO-II, Bardez	Shri Pradeep Naik, Dy. Registrar of Co-op. Societies.
8.	Shri Raju Rogunath Dessai, 1) Deputy Registrar, Goa College of Engineering, Farmagudi 2) Member Secretary, Rajiv Kala Mandir, Ponda	Deputy Collector & S.D.O-II, Salcete	Shri Navnath Naik, Chief Officer, Ponda Municipal Council.
9.	Smt. Snehal Prabhu, Dy. Collector & SDO-II, Salcete	Deputy Collector (LA), South	—
10.	Shri Paresh Faldessai, Dy. Collector (Revenue), South	Deputy Collector & SDM, Mormugao with additional charge of Member Secretary, Ravindra Bhavan, Baina, Vasco	—
11.	Shri Mahadev Araundekar, Deputy Collector & SDM, Mormugao	Dy. Collector (Revenue), South	—

The officers shall continue to draw the salary from the post held by them as indicated in column (2).

The officers shall report back to the post as indicated in column (2) after the General Election to Lok Sabha, 2019 process is complete.

The officers shall report to their respective posting immediately.

By order and in the name of the Governor of Goa.

Harish N. Adconkar, Under Secretary (Personnel-I).

Porvorim, 27th February, 2019.



**Order**

No. 15/5/97-PER (Part)/705

The Governor of Goa is pleased to order the transfer of the following officers in the cadre of Block Development Officers in public interest, with immediate effect:

Sr. No.	Name of the officer	Present Post	Posted as
1.	Shri Prasiddh Prakash Naik	BDO, Ponda	BDO, Salcete-II.
2.	Shri Milindra G. Velip	BDO, Salcete-II	BDO, Ponda.
3.	Shri Uttam K. Pal	BDO, Sanguem	BDO, Mormugao.
4.	Shri Deepak P. Vaingankar	BDO, Mormugao	BDO II Bardez.

Shri Bhagwant A. Karmali, BDO, Quepem shall hold additional charge of BDO, Sanguem.

All the above officers shall take charge immediately and submit compliance report.

By order and in the name of the Governor of Goa.

*Harish N. Adconkar*, Under Secretary (Personnel-I).

Porvorim, 28th February, 2019.

**Order**

No. 22/10/2018-PER/706

The Governor of Goa is pleased to allocate the charges as mentioned against the name of the following IPS Officers with immediate effect, in public interest:-

Sr. No.	Name	Present charge	New charge
1	2	3	4
1.	Smt. Aslam Khan, IPS 2007	Awaiting posting	SP (Training) She shall hold additional charge of SP (EOC), Commandant IRBn, Principal PTS.
2.	Shri Pankaj Kumar Singh, IPS 2008	Awaiting posting	SP (Crime) He shall hold additional charge of SP (Anti-Terrorist Squad), SP (SPCR) and will also supervise SIT (Mining) and SIT (Land Grab).
3.	Shri Utkrisht Prasoon, IPS 2014	SP (Training) with additional charge SP (SB), Principal PTS, Commandant IRBn, SP (ACB), SP (ANC)	SP (ACB) He shall hold additional charge of SP (SB) and SP (ANC).

The charge of the officer at Sr. No. 1, shall be looked after by the Officer, as per the standing link arrangement order issued by the office of Director General of Police, during the leave.

By order and in the name of the Governor of Goa.

*Shashank V. Thakur*, Under Secretary (Personnel-II).

Porvorim, 28th February, 2019.

**Order**

No. 7/3/2019-PER/709

Read: Order No. 7/3/2019-PER/684 dated 27-02-2019.

In supersession of the order read in the preamble, the Governor of Goa is pleased to order transfer of the following officers as shown against their name with immediate effect:-

Sr. No.	Name of the officer	Present post	Posted as
1	2	3	4
1.	Smt. R. Menaka, IAS	Director, Department of Urban Development, Panaji	Collector, North.
2.	Dr. Tariq Thomas, IAS	Awaiting posting	Director, Department of Urban Development, Panaji.
3.	Shri Ajit Roy, IAS	Commissioner of Corporation of City of Panaji	Collector, South.
4.	Shri Shashank Mani Tripathi, IAS	Deputy Collector & SDM, Tiswadi	Commissioner of Corporation of City of Panaji.
5.	Shri Levinson Martins	Collector, North holding additional charge of Director, Science & Technology and Managing Director, Solid Waste Management Corporation	Managing Director, Solid Waste Management Corporation. He shall hold the charge of Director, Science & Technology, in addition to his own duties.
6.	Shri Agnelo A. J. Fernandes	Collector, South holding additional charge of Additional Collector-I, South	Additional Collector-I, South.

The officers at serial No. 4 and 5 shall be governed by the standard terms of deputation as amended from time to time.

By order and in the name of the Governor of Goa.

*Harish N. Adconkar*, Under Secretary (Personnel-I).

Porvorim, 28th February, 2019.

**Order**

No. 15/1/2018-PER/717

Read: Order No. 15/16/2012-PER dated 14-09-2016.

The Governor of Goa is pleased to extend the ad hoc promotion of the following officers in the cadre of Mamlatdar/Joint Mamlatdar/Assistant Director of Civil Supplies for the period mentioned against their names:-

Sr. No.	Name of the officer	Period of extension
1	2	3
1.	Shri Dhiren D. Banavalikar	01-07-2018 to 30-06-2019.
2.	Smt. Jennifer Arez e Fernandes	01-07-2018 to 30-06-2019.
3.	Shri Franklin Ferrao	01-07-2018 to 30-06-2019.

1	2	3
4.	Shri Pravinjay Pandit	01-07-2018 to 30-06-2019.
5.	Shri Saiesh Naik	01-07-2018 to 30-06-2019.
6.	Shri Krishna Gauns	01-07-2018 to 30-06-2019.
7.	Ms. Janavi Kalekar	01-07-2018 to 30-06-2019.

This issues with the concurrence of the Goa Public Service Commission vide letter No. COM/II/11/42(2)/2012/1230 dated 26-02-2019.

By order and in the name of the Governor of Goa.

*Harish N. Adconkar*, Under Secretary (Personnel-I).

Porvorim, 28th February, 2019.

**Department of Planning**

Directorate of Planning, Statistics &amp; Evaluation

**Notification**

No. DPSE/RBD/CRS-Notification/2017/409

In exercise of the powers conferred by Section 7 of the Registration of Births and Deaths Act, 1969 (Central Act No. 18 of 1969), (read with Section 21 of the General Clauses Act, 1897) (Central Act 10 of 1897), the Government of Goa hereby amends the Government Notification No. DPSE/RBD/CRS-Notification/2017/3886 dated 28th June, 2018, published in the Official Gazette, Series II No. 15 dated 12th July, 2018 (hereinafter referred to as the "said Notification"), as follows, namely:-

In the said Notification, in the Schedule, against the entry at Serial No. (3), in column 2, for the expression "Civil Registrar-cum-Sub-Registrar", the expression "Civil-Registrar-cum-Sub-Registrar/ /Joint Civil Registrar-cum-Sub-Registrar" shall be substituted.

This Notification shall come into force from the date of its publication in the Official Gazette.

By order and in the name of the Governor of Goa.

Dr. Y. Durga Prasad, Director/Chief Registrar of Births and Deaths.

Porvorim, 26th February, 2019.

**Department of Power**

Office of the Chief Electrical Engineer

**Order**

No. CEE/Estt-34/1/98/4334

Read: Order No. CCE/Estt-34/1/98/1256 dated 10-06-2011, notifying SPIO/APIO in Electricity Department.

In above referred order, the SPIO at Sr. No. 4 in the office of the Dy. Director (Admn.), Vidyut Bhavan, 4th Floor, Panaji-Goa shall stand substituted as under:-

Sr. No.	Office & designation	State Public Information Officer
4.	Dy. Director (Admn.), Vidyut Bhavan, 4th Floor, Panaji-Goa	Dy. Director (Admn.).

2. Further, the APIO to the O/o the Dy. Director (Admn.), Vidyut Bhavan, 4th Floor, Panaji-Goa shall be Office Superintendent instead of Assistant Engineer.

3. All other contents of the order remain unchanged.

By order and in the name of the Governor of Goa.

Reshma Mathew, Chief Electrical Engineer & ex officio Addl. Secretary.

Panaji, 27th February, 2019.

**Department of Public Health****Order**

No. 44/26/2017-I/PHD/597

Dr. Vikas Kuvelkar, Chief Medical Officer of TB Hospital, Margao shall take the charge of the post of Medical Superintendent of Sub District Hospital, Ponda, with immediate effect.

Dr. Ira Almeida, Medical Superintendent-cum-Dy. Director of Hospicio Hospital, Margao shall hold the additional charge of TB Hospital, Margao, in addition to her own duties, with immediate effect.

Dr. Angelica Siona Gomes, Medical Superintendent-cum-Dy. Director is hereby relieved of the charge of the post of Medical Superintendent of Sub District Hospital, Ponda, and she shall continue her duties as Senior Radiologist at Sub District Hospital, Ponda, with immediate effect.

This is issued with the approval of the Government.

By order and in the name of the Governor of Goa.

Maria Seomara De Souza, Under Secretary (Health-II).

Porvorim, 26th February, 2019.

**Order**

No. 7/4/2003-I/PHD (Part-I)/600

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/II/11/56(1)/2006/371 dated 18-02-2019, Government is pleased to promote the following Assistant Drugs Controller to the post of Deputy Directors in the Directorate of Food and Drugs Administration on regular basis in the Level 11 of Pay Matrix of 7th Pay Commission [PB-3: Rs. 15600--39100 + GP: Rs. 6,600/- (pre-revised)] and other allowances to be fixed as per rules with immediate effect:-

1. Smt. Medha Anant Sinai Dessai.
2. Smt. Shweta S. Dessai.

The promotions are made against the vacancies occurred due to promotion of Smt. Jyoti Sardessai to the post of Director w.e.f. 01-12-2017 vide Order No. 7/2/92-PER dated 01-12-2017 and due to retirement on superannuation of Shri Rajendra Naik, Dy. Director w.e.f. 30-04-2018.

By order and in the name of the Governor of Goa.

*Maria Seomara De Souza*, Under Secretary (Health).

Porvorim, 27th February, 2019.

Order

No. 44/27/2017-I/PHD/570

The transfer and posting of the following Health Officers under Directorate of Health Services are hereby ordered, with immediate effect:-

Sr. No.	Name of the Health Officer	Present place of posting	Transferred at
1	2	3	4
1.	Dr. Preetam Naik, Health Officer	Urban Health Centre, Panaji	PHC, Aldona vice Dr. Manish Gaunekar transferred.
2.	Dr. Manish Gaunekar, Health Officer	Primary Health Centre, Aldona	UHC, Panaji vice Dr. Preetam Naik transferred.

This is issued with the approval of the Government.

By order and in the name of the Governor of Goa.

*Maria Seomara De Souza*, Under Secretary (Health-II).

Porvorim, 25th February, 2019.

Order

No. 44/28/2017-I/PHD/620

The transfer and posting of the following doctors under Directorate of Health Services are hereby ordered, with immediate effect:-

Sr. No.	Name of the Doctor	Present place of posting	Transferred at
1	2	3	4
1.	Dr. Sujata Prabhu Gaonkar, Senior Physician	Hospicio Hospital, Margao	SDH, Chicalim.
2.	Dr. Swapnil Naik, Junior Physician	Sub-District Hospital, Chicalim	Hospicio Hospital, Margao.

The above doctors shall draw their salaries against the place indicated at column No. 3 above.

This is issued with the approval of the Government.

By order and in the name of the Governor of Goa.

*Maria Seomara Desouza*, Under Secretary (Health-II).

Porvorim, 28th February, 2019.

Order

No. 44/21/2017-I/PHD/Part-I/605

Read: Order No. 44/21/2017-I/PHD/Part-I/39 dated 27-12-2018.

On the recommendation of Goa Public Service Commission conveyed vide their letter No. COM/II/12/24(2)/2016/295 dated 12-12-2018, the Government is pleased to declare satisfactorily completion of probation



period as well as Confirmation of following doctors under the Directorate of Health Services in the posts shown against their names with effect from the date of completion of probation period, as under:-

Sr. No.	Name of officers	Date of joining in regular service as "Junior ENT Surgeon"	Date of completion of probation period	Confirmed in the post of
1.	Dr. Nicola Barreto	01-02-2016	31-01-2018	Junior ENT Surgeon.
2.	Dr. Swayamsidha H. Andhale	01-07-2016	30-06-2018	Junior ENT Surgeon.

This issues in supersession of order No. 44/21/2017-I/PHD/Part-I/39 dated 27-12-2018.

By order and in the name of the Governor of Goa.

*Maria Seomara Desouza*, Under Secretary (Health).

Porvorim, 27th Ferbruary, 2019.

## Department of Revenue

### Order

No. 3/4/2016-RD/520

- Read: (i) Order No. 3/4/2016-RD dated 23-02-2016.  
(ii) Order No. 3/4/2016-RD dated 05-07-2017.  
(iii) Order No. 3/4/2016-RD dated 16-02-2018.

In continuation to above Order read in preamble, the Government is pleased to accept the recommendation of Mamlatdar of Pernem Taluka & Administrator of Devalayas, Pernem-Goa, to extend the term of the ad hoc Managing Committee appointed vide above referred order, with effect from 26-06-2018 till 09-02-2019 for carrying out the activities as mentioned in the above referred order.

By order and in the name of the Governor of Goa.

*Sudin A. Natu*, Under Secretary (Revenue-I).

Porvorim, 26th February, 2019.

## Department of Town & Country Planning

Office of the Chief Town Planner (Planning)

### Notification

No. 27/15-2/CC/TCP/2017-19/662

In exercise of the powers conferred by item (i) of sub-clause (a) of Clause 5 of the Annexure-IX appended to the Goa Land Development and Building Construction Regulations, 2010, the Conservation Committee constituted by the Government of Goa vide the Government Notification No. 27/15-2/C.C/TCP/2017/1476 dated 25-05-2017, published in the Official Gazette, Series II No. 9 dated 01-06-2017, hereby co-opts

Shri Raya Shankhwalkar, Architect, as its additional member.

By order and in the name of the Governor of Goa.

*Rajesh Naik*, Chief Town Planner & ex officio Joint Secretary (Planning)/Member Secretary to the Conservation Committee.

Panaji, 4th March, 2019.

## Department of Urban Development

(Municipal Administration)

### Order

No. 1/03/DMA/Admn/RTI/3547

Read: Order No. 1/03/DMA/Admn/RTI/165/ dated 13-4-2018.

In partial modification to the above referred Order, the Government has approved the appointment of the following official of the Corporation of the City of Panaji in the State under the Right to Information Act, 2005 to act as Official under sub-section (2) of Section 5 of the Right to Information Act, 2005:-

Sr. No.	Name of the Official	Designation	Office Telephone number
1.	Deputy Commissioner	Public Information Officer	2223339/ /2422736/ /2423556/ /2423557.

The Public Information Officer is responsible for maintaining and updating all required information and also receiving and disposing off applications under Right to Information Act, 2005.

*R. Menaka*, IAS, Director (Urban Development).

Panaji, 26th February, 2019.

**Department of Women & Child  
Development**

Directorate of Women & Child Development

**Notification**

No. 4-19-96-SWO-W&CD/10216

Read: Notification No. 4-19-96-SWD/DW&CD/  
/3225 dated 11-04-2016.

In exercise of the powers conferred under Section 4 of the Goa State Commission for Women Act, 1996 (Goa Act 10 of 1996) (hereinafter called as the "said Act"), read with Rule 3 of the Goa State Commission for Women Rules, 1997, and in supersession of Government Notification referred above, published in the Official Gazette, Series II No. 2 dated 15th April, 2016, Series II No. 39 dated 28th December, 2017, the Government of Goa, hereby constitutes the State Commission for Women, to exercise the powers conferred on and to perform the functions assigned to it, under the said Act, and Rules consisting of the following persons namely:

- |   |     |              |
|---|-----|--------------|
| 1. Mrs. Purti Patkar,<br>BS2-Samarth Residency,<br>Caranzalem, Panaji-Goa<br>403002   | ... | Chairperson. |
| 2. Mrs. Shaila D'Souza,<br>D 14, La Marvel Colony,<br>Near Raj Bhavan,<br>Dona Paula, Goa                                     | ... | Member.      |
| 3. Mrs. Lawanya Shetye,<br>H. No. 20, Anandi, Lane-7,<br>Behind Cottage Hospital,<br>Alto Chicalim,<br>Vasco-da-Gama 403711   | ... | Member.      |
| 4. Mrs. Ketki Parob Gadekar,<br>Flat No. S4, A3 Building,<br>Torchem Galu, Colvale,<br>Bardez-Goa                             | ... | Member.      |
| 5. Dr. Pritha Mallya,<br>Shree Damodar Educational<br>Campus, G. R. Kare Rad,<br>Tansor, Comba, Margao,<br>Salcete-Goa 403601 | ... | Member.      |
| 6. Dr. Sheela Gupte,<br>3/140/E, Chamunda Garden,<br>Karaswada, Near Babaji Bakery,<br>Mapusa-Goa                             | ... | Member.      |

7. Ms. Kishori Mandrekar, ... Member.  
H. No. 85/4, Mainath Bhati,  
Arpora, Bardez-Goa 403516

8. Ms. Alina Saldanha, ... Member.  
MLA, Cortalim Constituency

9. Shri Siddhivinayak S. Naik ... Member  
Secretary.

The tenure of the above Committee shall be for three years from the date of its constitution.

By order and in the name of the Governor of Goa.

*Deepali Naik*, Jt. Director (ICDS) (Women and Child Development).

Panaji, 04th March, 2019.

**Notification**

No. 8-1-94/W&CD/Part/10274

Read: Notification No. 8/1/94/DW&CD/3539 dated  
1-9-2015.

In exercise of the power conferred by sub-rule (iv) and (v) Rule 3 of the Rules of the State Social Welfare Board Goa, 1995, Government of Goa in consultation with the Central Social Welfare Board, New Delhi hereby reconstitutes State Social Welfare Board for second term as follows:-

Smt. Kamalini Painguinker — Chairperson.

**State Government Nominees**

1. Smt. Nutan Santosh Naik, Borim, Goa.
2. Smt. Shubhada Kundaiker, Old Goa
3. Shri Anthony D'Souza, Pernem-Goa.

**Official Nominees**

1. Director, Women & Child Development,  
Panaji-Goa.
2. Director, Social Welfare, Panaji-Goa.

The tenure of the above Board will be for a period of three years with effect from the date of publication of the Notification in the Official Gazette.

By order and in the name of the Governor of Goa.

*Dipak Desai*, Director (Women & Child Development).

Panaji, 05th March, 2019.

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